

[26th August 1926]

The hon. the PRESIDENT :—"I am afraid, it is a suggestion for action."

Diwan Bahadur P. KESAVA PILLAI :—"I am asking the Government whether they have the justice and charity to deal with these poor public servants in an equitable manner?" (Laughter)

II

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

DISCUSSION REGARDING THE MADRAS IRRIGATION BILL.

* Mr. J. A. SALDANHA :—"May I know whether it is a fact that the Irrigation Bill will not be taken up in this sitting?"

The hon. the PRESIDENT :—"We shall come to that when the Irrigation Bill is taken up."

* Mr. J. A. SALDANHA :—"My enquiry is whether we will come up to it at all."

The hon. the PRESIDENT :—"It is on the agenda and we must come up to it."

III

A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1923—*cont.*

* Mr. R. SRINIVASA AYYANGAR :—"Mr. President, Sir, the House may perhaps remember that in April 1923 when the hon. the Chief Minister introduced the third and final reading of the Bill, he appealed to every section of this House to give whole-hearted support to the Bill. I was the first to stand up and raise my voice of protest and to strike a discordant note. This Bill has been on the Statute Book for over 20 months and I see no reason to change my strong conviction, which I may submit in all humility, has been growing with time. There are very many obnoxious sections in this Bill: The creation of a Board of Commissioners which I feel bound to characterize as a white elephant costly and expensive, and investing it with large and extensive powers, without any finality in certain cases and the provision made in regard to the diversion of funds in consonance with the idea of introducing, what is known as the Cypres doctrine, seems, in my humble judgment, to make this Bill reactionary and highly unpopular. It was said in the course of this debate that the contributions were not being received as rapidly as the Board or the Government expected. I submit with a certain amount of experience, being a member of the South Arcot Devasthanam Committee, that there is a feeling of discontent in my district. The trustees refuse to submit the register contemplated by section 38 of the present Bill. The mathadhipathis have raised a voice of protest. The mere fact that a number of suits have been filed and are awaiting decision by the High Court shows that, more than anything else, the Bill does not find favour in the country. We also notice a tendency on the part of the Ministers to rush the Bill through, retaining the old obnoxious provisions. All I can say is, that in this Bill, at every stage, we see the steel-frame not of the Indian Civil Service, but of a Ministerial bureaucracy, by association or otherwise and our Ministers have become far worse bureaucrats than the white bureaucrats themselves. I see, therefore, absolutely no reason for the creation of this body known as Board of

26th August 1926] [Mr. R. Srinivasa Ayyangar]

Commissioners at all. We have been fighting for autonomy; we have been clamouring strongly for the transfer of power from the bureaucracy. The moment we get some transfer of power, however inadequate and shadowy it may be, we find a disposition on the part of the Ministers to use that power with a certain amount of vengeance and a certain amount of irresponsibility. So far as this Government is concerned, they have done absolutely nothing in the way of endowing these maths and the Ministers who have been sitting for the past six years, have done nothing by way of endowing these maths. We have noticed a tendency on the part of the Ministers to set their faces against any attempt made by this section of the House to raise these tasdik allowances which were fixed by Government 60 or 70 years ago in accordance with the then prevailing prices of commodities or in consonance with the value of the produce of the lands which the Government took from temples. This is the kind of solicitude which the hon. the Chief Minister has evinced in respect of these maths. We are clamouring for autonomy in every direction and when we come to the domain of religion, the Chief Minister wants to kill it by refusing to give religious autonomy. That is exactly what the Bill comes to, and that is exactly what the Bill aims at. Once the prestige of these mathadhipathis is visualized, once their status in the religious hierarchy is recognized and viewed in its true perspective, the danger of subjecting them to the jurisdiction of secular bodies and reducing them to a position of humiliation, will become quite apparent. My friends may differ as regards our conception of these religious heads. We regard them as gods on earth and look up to them for salvation. So far as these religious heads are concerned, we go before them with reverence and I for one, being an orthodox Hindu myself, must decline to give my assent to this Bill which overlooks their status in this country and which wants to reduce them not merely to the position of tin-gods, but to something much lower by making them mere toys, nothing more and nothing less. It is more or less a domestic matter. There may be some mathadhipathis who are not administering properly and there are a certain number of maths in which the administration may be regarded as thoroughly efficient, but to tar all of them with the same brush is something which I cannot understand. If there is epidemic in some quarter will the Government be justified in taking the medicine to unaffected places, force the medicine upon them and make them pay for it? The attitude of Government in this matter is akin to it.

"So far as private endowments are concerned, I for one must deprecate the idea of bringing them under the provisions of this Bill. What has the Minister done? Has he made any endowment? Absolutely none. In that state of things the proper course would be to leave the matter to the religious disciples. This is a matter to be settled between the disciples and their spiritual heads altogether. You want to bring under Government control temples and trustees, maths and mathadhipathis and endowments and the founders thereof. This is a very serious thing, and I for one am inclined to think that if this Bill is passed, it will be a serious blot upon the administration of this province. It is true that it is a transferred subject, but all the same, in the earlier stages, these Ministers are supposed to care for public opinion and act with a feeling of responsibility. I believe, it was yesterday that my honourable and esteemed friend, the Member for Chingleput, took us into the history of this Bill and told us that some years ago the Thathacharis

[Mr. R. Srinivasa Ayyangar] [26th August 1926]

of Conjeeveram and the Stalathars of Srirangam and some other interested sections were against the Government divesting themselves of control. I want to know from him whether the opposition was not confined to a few interested sections, and whether the Government before committing themselves to a particular line of action issued a referendum and whether time was given for public opinion being formed on this question. In the absence of these indications, there is absolutely no force in that contention. My other friend Sir K. V. Reddi was, as usual, more hysterical and less historical while the hon. Member for Chingleput was more historical and less hysterical, unlike my hon. Friend Sir K. V. Reddi. He threw a fling, as it were, on the Indian National Congress which is really a representative body enjoying in a larger measure the confidence of the people than the party of which he claims to be a chief protagonist. Let us wait and see, but there are some people who, though they might be disposed to wait till eternity or till the Greek kalends, will not care to see."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Two more months."

* Mr. R. SRINIVASA AYYANGAR:—"I may say that the recent by-elections have given us an idea of the direction in which the wind is blowing. There is one section of the Bill to which I must take strong objection and it is this. The trustees are required by sub-section (2) of section 38 to submit a register of the temple property, not only to sign the register, but also to verify the particulars, proxies being excluded. These religious preceptors are put to the necessity of applying their minds to every particular indicated in clauses (a) to (e) of sub-clause (1) of clause 38 with the result that if they commit a mistake by oversight or otherwise they will be hauled up before a court under section 193 of the Indian Penal Code unless the Government in the exercise of its discretion sees fit to interfere, and drop the prosecution.

"And then, Sir, as regards the contribution, I cannot understand why a math should be called upon to pay $1\frac{1}{2}$ per cent of its income, as the Board may determine. That provision we come across in section 69. What is the kind of help which the other side, in return, renders to the math which is called upon to pay this contribution? It is something like legalised robbery, if I may say so with respect. You have no right to ask me to pay any contribution. As regards the endowments, if I make a vow and if I promise to hand over certain jewels to an institution which also comes under this category of endowments, or if I set apart a portion of land for the purpose of performing, say the sixth or seventh day festival of the temple, my idea is that the whole income should go to the temple and not $1\frac{1}{2}$ per cent less which the hon. the Chief Minister tries to rob me of and to rob the institution of. I submit, Sir, that it is absolutely necessary to knock out the provisions referring to maths and finance and also to do away with this body which was ushered into existence somewhere about April 1925 and which has been functioning for the past one year. Has it submitted any account, has it submitted any administration report, has anything been placed before you or published in the gazette? So far as its work is concerned, Sir, we, the representatives of the people, have not been taking it into account. I want to know whether the Board exists or has been brought into existence only to be sustained by these contributions. It seems very much as if the Government want to levy contributions for the purpose of

26th August 1926] [Mr. R. Srinivasa Ayyangar]

maintaining these Boards and other institutions. Is there any justification for that? Have we come across a legislation of this character in any province or in any country? Therefore, Sir, I think this is a matter affecting us, affecting particular communities, and it should have been left to be settled among the communities, between the heads of maths on one side and their disciples on the other. Their disciples are too many in number.

"Their conscience is being roused now and we for our part will not allow our heads of maths to fritter away the money or to spend it on useless objects. There are many mathadhipathis on the one side and a large number of enlightened disciples on the other. I submit that the State has no business to interfere in these things, and I hope and trust that wiser counsels will prevail and that the hon. the Minister will see his way to take out the Bill for the time being. (Voice: Still you expect it). Somebody says 'still you expect that?' I am conscious that I am fighting a battle; but I will express what I strongly feel. And, Sir, as I began I will end by saying that I look upon this Bill as the most mischievous, pernicious and obnoxious piece of legislation."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, it seems to me futile to neglect the fact that we are not considering this Bill for the first time now. It was considered in this House, it may be in the last Council, and for some reasons, it has come up again before us for being re-enacted. At the same time, it does appear *prima facie* objectionable for the Ministry to try and rush this Bill through all its stages in one sitting. We cannot help feeling—and I have no inside knowledge of all these things—that this measure might have been brought up much earlier before this House. Even now he has got the assistance of expert legal advisers in the person of the Advocate-General and the other law officers of the Crown; he is assisted by a Board of Commissioners and there is the President, an eminent and distinguished lawyer and judge—at any rate he was. It is up to us that, taking possession of all the difficulties in the working of this Act, the suits which are filed—and in fact the difficulties must have been experienced some months ago if the Board was doing its duty properly—we should have been formally informed of the difficulties with which we are faced from day to day. I think the Minister should have come up before this House with this Bill much earlier than he has done. But let us assume for a moment that he had good reasons for not bringing this before the House earlier, that he did not know of the difficulties and that it is only now that he comes to know of them. Even then, Sir, I say that it is not fair either to himself or to others to try to rush this Bill at one sitting. I would suggest, Sir, that he must allow this Bill to pass through all the usual stages which a Bill would ordinarily pass through." I think that after all there is some force in the arguments advanced by the hon. Member for the University that some of the provisions are new in this Bill. They were not present at the last Council when this measure was enacted. I think we owe it to them to give them an opportunity to give us their opinions in the matter and to give them the necessary time for it. I would suggest, Sir, if I may do so, that an adjournment may be made after leave to introduce the Bill is granted and the hon. the Chief Minister must take time to bring it again before the Council. Let there be an interval of a fortnight, I won't say more than that. Let there be a Select Committee including the Advocate-General, the President of the

11-45
a.m.

[Mr. A. Ranganatha Mudaliyar] [26th August 1926]

Board and such other people whose advice the Minister considers is essential. There is nothing to prevent him from coming before the Council a fortnight hence and finishing with this Bill in the course of two or three days. If he does not do that, Sir, I do not think he can escape the reproach of having used his strength to rush an important Bill like this with undue haste. That is the suggestion I would like to make. If he accedes to that request, I am sure, Sir, he will be doing a service to the cause which he has at heart and to the Council whose traditions he wants to uphold. He will then carry the House with him. That is the point. He may give an interval and that is the only thing that matters now. I think it is necessary that he must take the opinion of representative people on all sides and see if the Bill cannot be improved. What is the position now? You have got an old Bill and because he wants to have the Bill passed in one sitting, he cannot introduce any modifications in it which he may himself think are very necessary. If, on the other hand, he goes through the usual stages of the Bill, it will be open to him and to the other Members of this Council to suggest such alterations as are necessary. After all, the Board has been working only for a year and they must have come across some difficulties in its working and they may have some suggestions to make in course of time. All these things will be possible if the hon. the Minister would accept the course I have suggested."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, I wish to move an amendment to this motion that 'the Bill be read in Council', namely, that it be referred to a Select Committee."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Can such a motion be moved at the present stage before the principles of the Bill are accepted? We are now discussing the introduction of the Bill, and the only course that is now open to the Council according to me is the discussion of the main principles which we are now doing."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Rule 20-A says :

'No motion that a Bill be referred to a Select Committee be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.'

"We know, Sir, that the Member in charge of the Bill has indicated that he is not willing to move that the Bill be referred to a Select Committee. He has said so in the notice given by him to this Council. There is a section which wants the Bill to be referred to a Select Committee. The rule clearly shows that such a motion might be brought forward by any Member of this House as an independent motion. It might be brought forward as an amendment to the motion moved by the Member in charge. The motion made by the Member in charge now is that the Bill be read in Council. The next stage is that he has to request you under Order 39 of the Standing Orders to suspend the standing orders and proceed with the second reading of the Bill. Even Standing Order 39 really says that he has to apply to you when any motion for referring the Bill is made or was made and defeated. I therefore have not got any other stage at which I can make a motion to that effect except at this stage."

The hon. the PRESIDENT :—" Why not after the member in charge of the Bill has made his motion that the Bill be taken into consideration? If the

26th August 1926]

[The President]

hon. Member in charge of the Bill does not move that the Bill be referred to a Select Committee, it is open to any hon. Member of the House to move then that it be referred to a Select Committee."

* Diwan Bahadur M. KRISHNAN NAYAR :—" As far as I know, Sir, the only motion that can be made in the middle of a discussion of another motion is that the matter under discussion be adjourned; but that will be under Standing Order 34 and that, I believe, is the only standing order which allows interruption of a discussion that it is actually going on. We are actually interrupting a discussion that is actually taking place in the Council. I believe the only standing order or the rule under which such a motion of interruption is allowed is that standing order. After this particular discussion is over, my hon. Friend will be at liberty to move his motion."

* The hon. the PRESIDENT :—" Not only that. If we are accepting the hon. Member's suggestion, we will be assuming that the Bill will be read in Council and that permission will be given to read the Bill in the Council. He is anticipating the decision of the House, because it is only after the Bill has been read in the Council that the further stages can be taken up."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" The only difficulty I realize is this: no doubt we are anticipating in a way the decision of the House and perhaps we are rightly anticipating the decision of the House . . ."

The hon. the PRESIDENT :—" Order, order. I do not think any Member is justified in doing so."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" My only suggestion is that you will put my amendment and the principal motion as two separate parts. In that case, if the first motion is carried, then there will be occasion to put the second motion; otherwise, it will be dropped. Now, as regards the suggestion made by you, Sir, that I may move the amendment at the stage when the Bill is taken into consideration, i.e., the stage that will be reached after you suspend the Standing Orders under Standing Order No. 39, I should like to say this: That Standing Order No. 39 does contemplate the referring stage to a Select Committee previous to the application of that order. The wording of Standing Order No. 39 is clear when it says that that stage is reached only after the stage of referring the Bill to the Select Committee is passed. If that motion is defeated and then application is made to you under Standing Order No. 39, to say that I should move that this Bill be referred to a Select Committee after that stage, is, I think, putting the thing in advance. My submission, Sir, is that when once you give permission under Standing Order No. 39, the stage of referring the Bill to a Select Committee is passed. Standing Order No. 39 clearly says: . . .

'If no motion for referring the Bill to a Select Committee is made under clause (4) of the preceding standing order or if a motion is made and negative, the Member in charge shall not move that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause (2) of the preceding standing order; provided that the President may, in his discretion, suspend this standing order and allow the motion to be made at once or before the expiration of fifteen clear days.'

"He does not make any motion that this should be suspended. If that be the case, I will be right in moving it as an amendment to that motion; but he has simply to make a request to you that the standing order should be suspended. When the stage of referring to the Select Committee is passed,

[Mr. C. V. S. Narasimha Raju] [26th August 1926]

you will be requested to suspend the standing order. I will not then be in a position to move my amendment. That is the difficulty, Sir. That is why, Sir, I have to approach you at this stage to allow me to move the amendment. I believe there is no other stage. If you think there is any other stage at which you can allow me to move it, I shall be glad to do so."

The hon. the PRESIDENT :—" Even assuming that the President is going to suspend the standing order, as there is no decision of *the Council* in regard to the matter whether the Bill should be referred to a Select Committee or not, I think it is open, even after my suspension of the standing order, to a Member of the House to move that the Bill be referred to a Select Committee; because we would then not be going back upon the decision of the Council, but going back upon a decision of the President."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" It is immaterial, Sir, for me at what stage I move it. I do not propose to move it now."

12
noon.

* Mr. K. PRABHAKARAN TAMPAN :—" My chief objection to the Bill is that the special conditions of Malabar have not been recognised and provided for in the revised Bill. The one fundamental thing that this House should bear in mind in regard to the temples of Malabar, is that they form a separate class by themselves. Sir, the very idea of communal ownership is foreign to people in Malabar except in some parts of Palghat. Each tarawad is a self-contained unit. It has got its own tanks, its own burial-grounds, its own temples and everything that is absolutely necessary for the ordinary wants of the members of the tarawad. As is seen in other parts of the presidency, we have not got a common burial-ground or a temple or a threshing-ground or anything like that. People live separately from one another and you don't find the custom of living in streets. Practically in the whole of Malabar there are no streets except as I said in Palghat. Each tarawad lives quite detached and removed from others. Therefore, it is necessary for each tarawad to have its own temple and such institutions. It was also necessary to endow the temple of the tarawad with property and every tarawad that had the least pretensions to respectability endowed some property for the maintenance and management of its temples. It always exercised absolute control over such properties and treated them as if they were more or less the same as tarawad properties. Mr. Logan makes a reference to that in his report as Special Commissioner of Malabar. In his report he said that 'In former times it was considered to be incumbent on every family of any position to endow one or more temples. I have reason to think also that these endowments were also largely increased in a way not unknown in Europe, where the Church reaped the benefits of such endowments and in return guaranteed the safety of the endower against the might of some powerful adversary'"

The hon. the PRESIDENT :—" Before the hon. Member continues his speech, may I remind him that at this stage we are concerned only with the general principles of the Bill? The hon. Member is referring to one of the details of the Bill, namely, the exemption of Malabar. I must ask him to confine himself to the general principles of the Bill."

* Mr. K. PRABHAKARAN TAMPAN :—" I am aware that the House is anxious to get through the business as soon as possible. Yesterday, my

26th August 1926] [Mr. K. Prabhakaran Tampam]

Friend, Mr. A. Ramaswami Mudaliyar, traversed the whole of the historic ground and so I must be given a chance to show that the temples of Malabar are of a quite different character”

The hon. the PRESIDENT :—“ If you give an amendment regarding the exclusion of Malabar.”

* Mr. K. PRABHAKARAN TAMPAN :—“ There is no amendment for the exclusion of Malabar. I am anxious to show that in Malabar most of the temples are private and that Bill as drafted is going to be injurious to such institutions and that radical alterations will have to be made before it can be accepted.”

The hon. the PRESIDENT :—“ I must say that it is a very detailed question.”

* Mr. K. PRABHAKARAN TAMPAN :—“ Then do you prohibit me from entering into the details of the question, Sir?”

The hon. the PRESIDENT :—“ Yes.”

* Mr. K. PRABHAKARAN TAMPAN :—“ Very good, then I will not trouble you, Sir, with the historical reference but I must say that so far as Malabar is concerned the authorities, both judicial and executive, have been treating its temples altogether on quite a different footing. We have got the report of Mr. Green in the year 1817 and then many District Officers who were asked to give their opinions on the proposals for the introduction of the Regulation of 1817 and subsequently that of 1862 have reported that Malabar temples were more or less of a private character. There were decisions of the High Court that those regulations did not apply to Malabar. Those Civilians were as my Friend, the hon. Member for Chingleput, said of the Hailbury institutions; Messrs. Green, Vaughan, Conolly, Ballard, Sharp, Logan and others. If importance has to be attached to the opinion of the Hailbury Civilians, as he said yesterday, I maintain that the Hailbury Civilians of Malabar should also be treated with equal regard and their opinions must receive due weight. The endowments were made by the tarawad concerned on the distinct belief and intention that the family should manage the properties uncontrolled by any outside agency. I will refer as a typical instance to one of the institutions in which I am interested. Sir, in the year 1817 when Mr. Green took paimash of all temple properties, a particular temple had only nine acres of paddy lands under it, and now the same institution has got as much as 200 acres of paddy lands. The properties were of”

The hon. the PRESIDENT :—“ May I ask the hon. Member what general principle of the Bill he is dealing with at the present moment?”

* Mr. K. PRABHAKARAN TAMPAN :—“ Private endowments and the way in which the Board is dealing with such properties. From the phraseology employed”

The hon. the PRESIDENT :—“ In what clause?”

* Mr. K. PRABHAKARAN TAMPAN :—“ Clause 2. This Act extends to the whole of the Presidency of Madras except the Presidency-town and applies, save as hereinafter provided, to all Hindu public religious endowments. Now, the Board treats all trusts as public endowments. It does not realize that it is the character of the trust that has to be reckoned with. In certain

[Mr. K. Prabhakaran Tampan] [26th August 1926]

cases the beneficiaries of the trust concerned may be one's own family. In others they may be the community or the public at large. That is the test. The decision of the President of the Board is that once a property becomes God's property, it is always public property. I have got here with me copies of two orders of the Board. If you permit me, Sir, I would read extracts from them. In one of the orders, viz., that of Puthugramam in Palghat, this is what the President says :

'I agree every temple is God's property and cannot be owned by private persons. In another case I have observed as follows : 'We might also add that the very word *devaswom* means property belonging to God' and a *devaswom* therefore can never be or become private personal property of any individual, however pious, orthodox or holy he may be.'

"This is what he said in the case of one of the temples. He sets at naught the decisions of Munsifs, Sub-Judges and even the High Court. This particular temple under reference was the subject-matter of a suit in the Munsif's Court at Alattur and it was held that 'the temple belongs to the plaintiff as well as the other members of the community and it forms their joint property.' In O.S. No. 9 of 1881 on the file of the Sub-Judge at Palghat it was held that the same temple 'was the private property of the village and was not a public temple to which the public had a right'. Sir, this temple of Puthugramam which was held to be private by two judicial courts of the land has been declared by the Board as public on the wonderful ground that God's property is always public. So, there is no escape or salvation for any kind of private temple so long as this view holds good. The procedure generally adopted by the Board in deciding whether a temple is public or private is this : There is an inspector who goes about collecting affidavits saying that certain temples are public temples. I know the instance of a temple which the inspector reported was a public temple on the ground that he managed some 10 or 15 people to give affidavits to that effect. He got together his nearest relations, his nephews and people who had *sambandam* in his house and made them give affidavits that a temple which was situated 15 miles away from the houses of these people was a public temple. They were all men of no social standing. Affidavits given by respectable persons to the contrary were ignored by the Board. Even the affidavit of the Zamorin Maharaja does not count and has not been given any weight, but the affidavits of penniless people who are out to see that all temples in Malabar are brought under the control of the Board are implicitly relied on. There is section 80 of the Act which provides that whenever a dispute arises it is the Board that has to decide. It is revolting to all sense of equity, fairplay, jurisprudence and justice that the Board should sit in judgment and decide that any particular temple is public or private because the Board is an interested party and plays the part of the plaintiff. Have you heard anywhere in the world of the plaintiff being the judge also ? The idea is obviously ridiculous. It is said that any aggrieved person should go to the court for a declaration within one year. If the stani or karanavan of a Malabar tarwad who owns a temple fails to do so, the family loses its properties for ever. So, I say all these defects have to be revised in the Bill before it can be accepted by the House. If the Board continues as it has been doing during the last twenty months no private temple will escape from its grip. Sir, another aspect regarding the Board is that, so far as Malabar temples are concerned, the Board, constituted as it is now, can never discharge its duties satisfactorily. I chanced to find a circular letter

26th August 1926] [Mr. K. Prabhakaran Tampan]

issued by the President calling upon all trustees not to cut trees in the parambas belonging to the devaswom or to give melcharchis or to give renewals and restricting the rights of the trustees in several other ways also. There is a section, viz., section, 40 which provides that the trustees should have full liberty and powers to manage these institutions prudently and beneficently as if they were their own property. If the Board is interested in the endowments it must be recognized, the trustee is also equally interested, if not more, because it is he or his family that has endowed the properties. How can the Board sitting in Madras without any Malayali in it be competent to control our temples? There was an order calling upon a trustee not to perform a *Kalasam ceremony* in connexion with the renovation of a dilapidated temple. The President of the Board wrote to the trustee of the temple to do away with the *Ganapathi Homam*. How is he competent to decide whether the *Ganapathi Homam* is necessary or not? Has the Board any right to decide that question? He also said that no Brahman should be fed and money should not be wasted on feeding Brahmans. (Laughter.) You may laugh, but it is a fact and I have seen the letter with my own eyes. (Laughter.) To you and me it may seem ridiculous that men of one community alone of all Hindus should be fed but there is the fact there are millions of people who piously believe that it is the only way to salvation. Why should the Board prevent such people from doing it? How is this Board competent to thrust its opinion on people and say that Brahmans ought not to be fed and that money should not be spent on such things? I for one cannot comprehend it. Another thing the Board did was this: the trustee of a temple had a surplus of Rs. 5,000, and the Inspector of the place ordered the trustee to deposit it in the Imperial Bank. Why should the trustee be prevented from using his discretion even in such small matters? Does this Act provide for such interferences, Sir?"

12-15
p.m.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"The Indian Trust Act does."

*MR. K. PRABHAKARAN TAMPAN :—"We are not speaking of the Indian Trust Act. We are here dealing with the Religious Endowments Act. The trustees, who have not been interfered with hitherto, know their business well. The result of this kind of unnecessary interference will be that the moment the Board declares a particular temple to be public the trustees concerned will go to the court. Notices have been issued to a thousand trustees of temples in Malabar. So long as my revered Friend, Sir Sadasiva Ayyar, continues as the President of the Endowments Board, I am sure he will go on applying his pet theory that all God property is public. All those thousand trustees, you may depend, are sure to go to the court to establish that their temples are private. They will not part with their property so easily. So a very good crop of litigation is assured to the vakil profession. If the hon. the Chief Minister wants to avoid unnecessary litigation, the best thing for him to do is to provide remedies for such contingencies. Now that the Bill is going to be amended, it is only fair and proper that all these aspects of the question are fully considered, instead of merely passing a validating Act.

"Another thing which I want to say is this, that this Bill will only help to foster a class of dishonest auditors. There is a provision to audit the

[Mr. K. Prabhakaran Tampan]

[26th August 1926]

accounts of the temples and the auditors are authorized to report on all irregularities and mismanagement. So, if the trustees are found maladministering temple properties, the auditors are sure to make hay while the sun shines. You are giving a premium on cheating and instead of the trustees eating temple funds, it will be the auditors that will be fattening. So, what I say is that the Central Board ought to be done away with in the new Bill. What is sufficient is that the trustees of public temples must be made to publish annually an account showing the income and the expenditure of the trusts concerned, and anyone who is interested in the trust property may sue for altering or introducing a new scheme. That will serve, to my humble mind at any rate, all reasonable purposes. I am speaking only for Malabar, and I am not speaking for other places, as I am not competent to do so. If, however, you propose to continue the Board, I should urge that a special Board for Malabar should be constituted. These are vital matters, and unless proper amendments are made in the Bill to provide for them, I am bound to oppose it."

* Mr. R. VEERIAN:—"Sir, in considering the general principles of this Bill, we should consider how the Adi-Dravidas and other depressed classes of the Hindu faith actually feel their present position in society. Though we are classified as Hindus belonging to the Hindu society, there is no mention of them whatever, and there is no place for them in this Bill. Sir, is it owing to *karma* that we are kept outside the pale of Hinduism, I want to ask?"

The hon. the PRESIDENT:—"That is not the question before the House." (Laughter).

* Mr. R. VEERIAN:—"I am going to deal with the general principles of this Bill. I am coming to them. In sub-clause (12) clause 9, I find the definition of the word 'temple' given as follows:

" 'Temple' means a place, by whatever designation known, used as a place of public religious worship and dedicated to, or for the benefit of, or used as of right by, the Hindu community

and so on. Well, Sir, 'Hindu community' means any section of the Hindu community. It is very vague and ambiguous. What I want is that there should be a separate clause defining 'Hindu community.' It should be defined in such a manner that Hindu community means all those including Adi-Dravidas, Adi-Andhras and other depressed classes who embrace the Hindu faith. Then, it will be all right.

"Then, there is no provision whatever in this Bill for our representation either on the committees or on the Board of Commissioners constituted under the Act. I am sure, Sir, that if our requests are granted it will only strengthen the hands of the hon. the Chief Minister, so that he will have an unanimous vote from the Members representing the depressed classes. There is no doubt about it, and I can assure him that. But there is no such provision whatever in the Bill, we are kept outside the pale of Hinduism, and we have no chance of having the *darsan* of God. What is the use of beating our breasts when the members of the depressed classes leave the fold of Hinduism? If the hon. Members representing the different sections of the Hindu fold really feel for the Adi-Dravidas, there should be some provision in the Act, so that they may not leave the fold of Hinduism, which is considered a most sacred religion in this religious land

26th August 1926]

[Mr. R. Veeriah]

of India. I am sure, Sir, that if the Adi-Dravidas have free entry into the temples, the sky will not come down, the ocean will not rise up, and the earth will not go down”

The hon. the PRESIDENT :—“ How can a free entry for Adi-Dravidas into Hindu temples be provided for in the Religious Endowments Bill ? ”

* Mr. R. VEERIAN :—“ I am only appealing to the sense of this House.”

The hon. the PRESIDENT :—“ The hon. Member must speak on the question before the House.”

* Mr. R. VEERIAN :—“ I want that such a provision should be included, so that there will be no trouble at all from the members of the depressed classes. So I appeal to this House to provide for free admission of Adi-Dravidas into temples and enable them to have the *darsan* of God. Of course, it is left to the option of this House to make or insert a provision as suggested by me. I appeal to this House again because they feel so much for the members of the Hindu society, and in order that the depressed classes may not leave the fold of Hinduism. Therefore, I think this is the proper opportunity for doing it in the interest of the Adi-Dravida community of Hindu faith.”

The hon. the RAJA OF PANAGAL :—“ May I point out that there is no clause in the Bill prohibiting the Adi-Dravidas from exercising their rights ? ”

* Mr. R. VEERIAN :—“ As at present the Hindu society is constituted, it must be interpreted to mean all those including the Adi-Dravidas. If there is such a specific provision, there will be no trouble at all; it will only strengthen the hands of the hon. the Chief Minister by securing all our votes if our requests are granted. We have already presented a petition to the effect that we should be represented not only on the committees but on the Board of Commissioners also. After all, there is not much difficulty in enlarging that Board by having a few more members. One may be very sympathetic towards the members of our community, and if you lose this best opportunity to do them a good, you cannot have any other. I hope, Sir, that if the hon. Members really feel for Hinduism, this request of a Member representing the depressed classes who is also embracing Hinduism will be accepted without any hesitation whatever, so as not to make devotion to God the special monopoly of a section of the Hindu community.”

Sriman SASIBHUSHAN RATH Mahasaya :—“ Sir, we are legislating in haste and repenting at leisure. That has been amply demonstrated in connexion with this Bill from the very beginning when it was introduced and rushed through at the fag end of the Council in 1923. We objected to it then, and yet it was rushed through in the Council. Then a specious plea was advanced by the hon. the Minister that the elections were coming on and that it was possible that the trust moneys would be utilized for purposes of those elections to defeat the party that was sponsoring the Bill. It was the hon. the Chief Minister that said so in 1923, and I can quote him. But what has happened? The result has been very disastrous to him. On account of the haste with which the legislation was passed, there was the reservation of the Bill, there was the re-committal of it to the Council, there was the litigation in the courts, and all that. Now, again, we are legislating in haste, and I am sure we will have to repent for it at leisure.

[Sriman Sasibushan Rath Mahasayo.] [26th August 1926]

"Sir, the hon. the Minister said that there were temples and maths which were badly managed, and that in order to stop that maladministration he had brought forward this Bill. I also agree with him that there has been maladministration of temples and misappropriation of temple properties in some cases. But that is not a general complaint. There are temples and maths in our country which are so very well managed that there can absolutely be no complaint whatever. I could have understood this haste if the people having an interest in these temples and maths, or the trustees, or the disciples of maths had all come forward and asked the Government to interfere in this matter and legislate. There is nothing of that kind.

"I consider, Sir, that every endowment has got two aspects, viz., the property aspect and the religious aspect. Well, there is some show of reason for interfering with the management of the property belonging to temples, but there is absolutely no reason to interfere with the religious beliefs which these temples signify. This Bill which has been placed before us seeks to interfere with the religious beliefs and enables the Board to dictate what shall be the procedure to be adopted in a certain temple or math, how much of rice should be boiled, how the prasadams should be distributed in the temples, and all those things connected with religious worship. Of course, the custom is there. Yet section 80 provides for such an interference. There is absolutely no guarantee that the proper customs would be established and continued with the help of the staff of the Endowments Board. It is always feasible, it is always possible that the maths and temples have got enemies, enemies in the so-called educated class who seek a rational religion, enemies who want to have trust property for themselves, enemies in a Government that does not want to have all those old forms of worship continued and enemies in reformers. All these things may happen.

12-30
p.m.

"Therefore, I say that, while there is some show of reason for your interfering with the properties, there is absolutely no reason for your interfering with the beliefs and modes of worship.

"Much has been said about the kingly duty exercised by our kings in the past with regard to these religious endowments. It has been said that the kings in the past interfered with the religious endowments, and why then do you now object to the interference of the State as at present constituted? The very constitution of the State will show the difference. Our kings in the old days, the Hindu kings, endowed properties for temples and maths. They appointed trustees or constituted themselves as trustees. That is how they exercised the kingly duty of interfering with the temple properties. But what is the case now? The Government which has got an Ecclesiastical department for itself has nothing to do with the endowments of properties of the Hindus, but yet wants to interfere with the religious institutions.

"Again, Sir, it was stated that Tippu interfered with the Hindu endowments. Now, what did Tippu do? If we read history aright, we will know that he did not interfere with the Hindu endowments at all. Far from it, we have the Seringapatam temple which, due to his tolerance, was allowed to remain. He said: 'Here is a deity which is receiving the homage and allegiance of a number of people and I shall not interfere with it.' What does it show? Does it show that Tippu interfered with religious

26th August 1926] [Sriman Sasibhushan Rath Mahasayo]

beliefs? No. It shows that he was tolerant. It shows that the Tippu who was regarded as an enemy of Hindus was really not so at all. Now, it falls to the kingly duty of the Raja of Panagal, the king of Panagal, to interfere with religious matters as his kingly duty. In contravention of the idea now prevalent in all modern countries that the Church shall remain separate from the State and so shall not be touched by the State, here comes the Raja of Panagal with a new theory that the State *shall* interfere with religious beliefs. May I know, Sir, in what country have you got Religious Endowments Acts—the State controlling the religious endowments? I would like to be enlightened on this matter. I would like to know if any country in the world at present allows interference with religious beliefs. In spite of the declarations of Kings and Sovereigns that this Government shall not interfere with the religious beliefs, we are now legislating for and interfering with these very religious institutions. If really interference is necessary and if really temples and maths are in such a condition that they require immediate interference of the Minister, I say in all seriousness, why should there be provision for excepted temples and maths. Why should certain classes of temples be excepted? Is it because that the hon. Minister is convinced of their good management, or is it because that a certain class of people who own them have promised to support the Minister in party matters? If really there is need for legislation for the maths and temples, let there be legislation for all alike. Why this exception? That shows the motive behind.

“My hon. Friend Mr. Veerian speaking for the depressed classes, raised the point whether in the term ‘Hindu community’ the depressed classes were included or not. (Mr. Veerian: Hear, hear.) If you read item (b) of sub-clause (9) of clause 9 the intention will be clear. It says:

‘(b) in the case of a temple, a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.’

“The Raja of Panagal in reply to Mr. Veerian said that there is absolutely nothing prohibiting the depressed classes from entering the temples or maths. Probably he forgot section 79 which speaks of the established practice. That means, in effect, the depressed classes who have now no admission to a temple will not also be admitted hereafter. So, Mr. Veerian and those that think with him should not run away with the hope that the hon. Minister has made every provision for them in the Religious Endowments Act. The hon. Minister is not so bold as to take that responsibility. Therefore Mr. Veerian and those that think and act with him will do well to see that they do not go with the wrong impression that they have gained every advantage in the Endowments Bill. By one stroke of the pen, the hon. Minister cannot do any such thing and therefore he has left them where they are. He will perhaps stand up and say: ‘Well, there is the election to the committees. There is nothing to prevent an Adi-Dravida coming in’. Suppose an Adi-Dravida gets elected to a committee, what will happen? According to section 79 he will not have admission to the temples and he is not a person having any interest. The Adi-Dravida committee member will therefore not be admitted to the temples and then there will be trouble. He will at once write against the trustee complaining of mismanagement and so on. What is the position there? He is kept

[Sriman Sasibhushan Rath Mahasayo] [26th August 1926]

outside. Therefore there is that difficulty also. You cannot have it both ways. If you want to exclude the depressed classes, do so, or, if you want to include them, do so boldly.

"I do not understand why no mention has been made of the work so far done by the Board and the staff created by the Religious Endowments Bill. Nothing has been stated so far. Probably the President of the Board who is our expert member here will do that and give us an idea as to how the Act has been working up to now. Speaking of the staff of the Board, Sir, I may say that the staff working in my district has become very unpopular. In going to interfere with matters which are not within his domain, a certain inspector unnecessarily got into deep waters and got a beat by the disciples and beneficiaries of a math. The beneficiaries know that these people are interfering too much and that is why the inspector was subjected to blows. I think they then went to the criminal court and the case is now pending. Unless and until you make the disciples and beneficiaries the sole authority in these matters, the rub will come in. What *will* happen can be seen from what *has* happened till now. The trustees will have no respect hereafter for those that endowed properties. They will not care for the original intention of the donor. They will not care for the disciples and devotees that come to the temple, but will care only for the inspector and the assistant commissioner. If they satisfy them, they satisfy everybody. That is the position which this Bill has created and is going to create. If there are committees elected on the basis of religious faith and devotion and they are allowed to manage the affairs of the temples and maths, the matter would have been different. But here we have created a department of the Government to control them. We have given scope for increased litigation. While in the old Act the Board was all in all, you have now made provision enabling the trustees to go to a court of law. This means added litigation. In this way, the Bill is not welcome to us. Instead of stopping litigation it increases it and the trust properties will be utilised for the purpose of litigation and for the fees of pleaders.

"Much has been said about the surplus money. There has been much talk about it. If surplus moneys have remained with Mahants and Mathadhipathis, it is because they are not doing the work properly. They are not devoting all their attention to the rights of the temples or maths.

"They are not utilizing all the money for that purpose. These temples were not endowed now. They were endowed centuries ago when the price of things needed for the temple was very much lower than what it is now. If a scheme was then prepared by the donor that so much of rice shall be cooked and that such and such things shall be purchased for the worship of the deity, it will be impossible now, with the income from that endowment, to carry out that scheme. Such being the case, where will you have a surplus? Why make provision for it? But then you want to show a surplus by curtailing those schemes. You have an idea, 'why should so much rice be cooked and distributed, etc. A smaller quantity will do.' It is your idea because you do not believe in idol worship. You have no belief in the intentions of the original donor and that is why you want to curtail the expenditure in the temples and create a surplus. As a matter of fact there will be no surplus if you make the trustees spend in accordance with the scheme by the donors and with the practice followed in olden days.

26th August 1926] [Sriman Sasibhushan Rath Mahasayo]

“Then again this Bill seeks to bring all the temples within its scope. Even temples in villages whose income is more than Rs. 250 will be brought within the purview of this Bill. I want to know whether with an annual income of Rs. 250 or in other words Rs. 20 or Rs. 22 per month an archaka can be appointed and all the process of elaborate worship can be gone through. This is a very great defect in the Bill. Why should you take away any money from a temple which cannot make both ends meet? You cannot provide even one archaka for Rs. 20 per month. You want that every temple should be taxed, and pay you their share. You take away their money but you do not give them any. Have you got any provision anywhere in the Bill that a temple which has been neglected will be helped with funds from the Board? There are some people enjoying the lands belonging to the temples or a temple is there without a deity or a deity is there in a temple without worship. Have you made any provision that such temples would be renovated. You take away the money but you do not utilise it for the purpose for which it was intended. I suppose this very Government must be spending a lot of money on the ecclesiastical department. I want to know how much they are spending for Hindu temples. From the very beginning to the end this Bill seeks interference with the institutions which it is not called on to interfere. There has not been a demand, a universal demand, for such State legislation. That there are some temples and maths which are very well managed, is well known to everybody. It cannot be gainsaid that the transference of allegiance to a secular body like the Board created by the Bill is not desirable in the interests of religion. You may be a rationalist or a nationalist but I say that rationalism or nationalism in politics should not be allowed to have its influence on the properties of maths and temples which were endowed not by a body of nationalists or rationalists but by a class of people that understood religion in a particular way. It is only for the preservation and for the maintenance of that peculiar idea, peculiar to those ancestors that these religious endowments were made. It is not for the nationalization or rationalization of this party or that party that these religious endowments were intended. The Act has not operated properly so far because of the many loop-holes contained in it. If the Bill is allowed to pass, as it is, it will hamper its actual working. The creation of a Board—a department of Government—to supervise our temples is quite undesirable. With these words, I strongly oppose the motion.”

Rao Bahadur C. NATESA MUDALIYAR:—“Mr. President, Sir, I am really touched by the appeal made by my hon. Friend Mr. Veerian. Certainly I am not at one with the previous speaker for telling the Adi-Dravidas not to trust the hon. the Raja of Panagal. I assure the Adi-Dravidas that it was the hon. the Raja of Panagal that was responsible for the creation of the depressed classes mission.”

* Mr. S. SATYAMURTI:—“On a point of order, Sir. What has that to do with the admission of the depressed classes into temples?”

The hon. the PRESIDENT:—“Previous speakers seem to have impugned the interest taken by the hon. the Raja of Panagal.”

Sriman SASIBHUSHAN RATH Mahasayo:—“I never said anything, Sir, about the interest taken by the hon. the Raja of Panagal towards the

[Sriman Sasibhusan Rath Mahasayo] [26th August 1926]

'depressed classes. So far as the Bill is concerned, I was referring to the admission of the Adi-Dravidas into the temples.'

Rao Bahadur C. NATESA MUDALIYAR :—"It was the hon. the Raja of Panagal that brought about the increased representation to the depressed classes."

* Mr. S. SATYAMURTI :—"On a point of order, Sir. May I ask whether the Raja of Panagal having given representation to them has anything to do with the admission of the Adi-Dravidas into temples."

The hon. the PRESIDENT :—"I think Mr. Natesa Mudaliyar is leading up to that."

* Mr. S. SATYAMURTI :—"I hope he will lead up to it soon."

Rao Bahadur C. NATESA MUDALIYAR :—"It is the rationalist party, the party of the hon. the Raja of Panagal that are looking to the interests of the depressed classes people. If there is any discontent, I hope my hon. Friend Mr. Veerian will bring it to the notice of the hon. the Raja of Panagal. Sir, it is the Raja of Panagal's party to-day that is doing propaganda work to admit Adi-Dravidas into temples. Sir, ere long I assure my hon. Friend Mr. Veerian and his people that our propaganda work will succeed and if the other party that are trying to destroy us will not succeed, we will see that all the Adi-Dravidas enter into temples as early as possible. Sir, with this assurance I hope my hon. Friend Mr. Veerian will rest satisfied to-day. As to our Friend from Ganjam who stated that this Bill is being rushed through, I will ask him to remember that we discussed this Bill for many days. There were 600 amendments tabled and we went through all these amendments sitting in this Council day after day. I want to know in what way we are rushing this Bill. Because a little bit has to be added to the existing Bill, can it be said that we are rushing the Bill? The public had enough of time all these two years and they could have very well said whether the Bill was right or wrong within that time. So I say that we are not rushing the Bill at all."

"It was said that this Bill would interfere with religion. Sir, I ask, does this Bill want to convert Vaishnava temples into Saivite temples or vice versa? It may be that this Bill deals with the funds of the temples and of the various religious institutions. To manage the temples, there is a committee of members. In bringing forward this Bill the Raja of Panagal is not a revolutionary but he is only safeguarding the interests of the temples and maths so far as their finances are concerned."

"Then again, the hon. Member from Ganjam said that the inspectors of religious endowments would not care for the temple authorities. But such cases will be those where people do not care for law. Does my hon. Friend from Ganjam not know of cases where police inspectors were assaulted by the disciples of Mathadhipathis, does he not know of cases where Mathadhipathis have been murdered by their disciples? Why should he gloat over these small instances instead of resenting at them. I am only sorry for it."

"Various speakers who have spoken in support of the Bill have mentioned long ago that Government did not want to interfere with the religious endowments. It is the people who protested against the inaction of the Government and begged of them to legislate. Then, Sir, various responsible

26th August 1926] [Mr. C. Natesa Mudaliyar]

statesmen have tried their best to bring these endowments under the control of the Government. I want to ask my hon. Friend Mr. Satyamurti, the Member for the University, if Government's interference should not be allowed, if he thinks that Government's interference is pollution, if he thinks that religious neutrality should be preserved, why did they tolerate that section--Section 92--in the Civil Procedure Code, if it is a direct violation of the principles of religious neutrality?"

* Mr. S. SATYAMURTI:—"On a point of personal explanation, Sir. Section 92 does not invest Government with any such power. I would ask my hon. Friend to read that section."

Rao Bahadur C. NATESA MUDALIYAR:—"That section invites the Government or the Courts to interfere with religious endowments. So it is a pollution. I ask, why did they tolerate it? They tolerated it because it served their purpose. Why did they tolerate a self-constituted organization called the Dharma Rakshana Sabha. They intended this section as an instrument for the people and as many hereditary trustees evaded the court. Now they are telling that Government's interference is pollution. When it serves their purpose, when it serves the pockets of their favourites, they allowed it to go on. Sir, this Bill is only a Bill to systematize the action taken by many people against maths and Mathadhipathis. This Board is the Board that prevents mismanagement. The Board contemplated in this Bill keeps a watch over the management of the various temples and maths. So, we welcome this Bill. If you think like the hon. Member for the University and allow people to quarrel, to go to this court or to that court and enrich the pockets of the vakils, we cannot help it. I am sure if the hon. the Raja of Panagal goes to the electorate with this Bill he will come out with brighter colours in this election, because I am sure all parties in this House have lent our support to this Bill and have welcomed it. If we take lessons from the hon. Member for the University, there will be no end to it. Let him know that prevention is better than cure."

* Diwan Bahadur M. KRISHNAN NAYAR:—"On behalf of the people who have sent me here I welcome this measure. I had no intention whatever to participate in the debate on this Bill. But certain observations made by my hon. Friend, Mr. Prabhakaran Tampan, have made it necessary for me to state in this Council what the opinion of the people of Malabar is with reference to the general principles of the measure. My friend went into all sorts of details regarding the various decisions given by the Board and the various questions that came before them. I am not going to follow him in that respect, and try to answer my friend *seriatim*. We are not now concerned with the details of the working of the Board. What we are concerned with is about the necessity of having a Board like that and it is perfectly irrelevant to this debate to go into the details of the working of the Board, which has been in existence for the past 24 months or so. My friend stated that he had a mandate from a body of 267 voters who sent him here to oppose this Bill in a very constitutional way. I am glad that the mandate given to him restricted his position to constitutional ways. Even without having heard my hon. Friend Mr. Prabhakaran Tampan on this point, I could have judged what his attitude with reference to this measure would have been. For, I know the mentality of the body of people

[Mr. M. Krishnan Nayar]

[26th August 1926]

who have sent my hon. Friend, the janmi mentality. My Friend said that the passing of this measure would throw Malabar into convulsions and there would be litigation after litigation in that land, if this Bill be passed. And what was the foundation on which my friend based his point? It was clause 2 of the Bill. I think clause 2 would go against his contentions. What that clause says is that this Bill, when it becomes law, shall apply to Hindu public religious endowments

1 p.m.

"It does not apply to private endowments. The contention of my hon. Friend is that practically, if not all, the religious institutions in Malabar are private ones. I join issue with him. I shall quote one or two instances. The family of Chenat Nair became extinct three quarters of a century ago and all the properties were escheated to the Government. Government sold all the lands and kept only a few forests to themselves. But there were eighteen temples which had been endowed by the family; these temples were handed over by the British Government for management to the Raja of Palghat. I know it personally and I should like the House also to know how those temples are managed. If this Bill is not passed the state of these temples which is already bad will be growing worse. The sooner the Bill is passed the better. I want to know whether the temples of an extinct family whose property was escheated to Government would be called private temples by the hon. Member."

* Mr. K. PRABHAKARAN TAMPAN:—"May I read a line from the *coul nama* given by the Sirkar to the Zamindars of Calicut in connexion with the Vettath Raja's temples? I have got a copy here and it distinctly says that they are to be treated as private temples and that no accounts of the property need be kept or be given to the Sirkar."

The hon. the PRESIDENT:—"Is it a point of personal explanation?"

* Mr. K. PRABHAKARAN TAMPAN:—"The hon. Member asked me whether I would call them private temples."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Anyhow, Sir, the answer is to the effect that the hon. Member regards such temples as private temples. I do not agree with him there. The temples of an extinct family which were handed over by the Government for management to another person cannot be called private temples. I regard them as public temples and not private ones. The family of Vathathna Raja became extinct in 1793 and the family property was escheated to the British Government and the temples of that Raja were handed over by the British Government for management to the Zamorin. These temples, I deliberately state this from my place here, are not managed well to-day. The sooner the Bill becomes law the better for these temples and those who go to worship there. I really cannot understand why my hon. Friend is so very anxious about . . ."

* Mr. K. PRABHAKARAN TAMPAN:—"The tenants' mentality is very slow to understand."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am very sorry that my remarks have apparently gone home to my friend. However, I shall leave

26th August 1926]

[Mr. M. Krishnan Nayar]

him there. This measure is in many ways very beneficial. Clause 2 of the Bill concerns itself only with public temples. If my hon. Friend is so very positive that the temples he refers to are private temples, he need not be anxious about them at all. Even with reference to the public temples this Bill concerns itself only with the important ones among them. It does not at all concern itself with public temples whose annual income is very small and with other excepted temples. Practically the Bill does not also deal or interfere with the internal management of the temples in any way. All that the Bill says is that the trustees should submit to the Board yearly accounts and that those accounts should be audited once a year. If the trustees manage the temples in the interests of the deity and in the interests of the worshippers, there can be no objection whatever to the submission of a statement of accounts for audit. If, on the other hand, the trustees misappropriate the funds and mismanage the institution, it is very necessary and desirable that accounts should be submitted and audited. The Board should be empowered to frame schemes. The trustees of the temples which are well managed have nothing to fear from the Bill.

“So far as the public character of the temples in Malabar is concerned—this again I say deliberately from my place here—most of the important temples are public temples. But I do not deny the existence of private temples. My Friend referred to certain temples; of course, his family is an important one and possesses certain private temples. But I daresay there are many important temples which are purely public temples. Mr. K. R. Krishna Menon, one of the greatest authorities in Malabar law, stated 35 years ago that it was high time for the Government to interfere in the management of the temples in the interests of the temples themselves and in the interests of the worshippers also. Sir T. Muttuswami Ayyar also said that the Bill then under contemplation should be so framed so as to include the temples in Malabar also. My Friend Mr. Prabhakaran Tampian stated that the Act of 1863 was not applicable to the temples in Malabar. My Friend is perfectly right in stating that the Act does not operate in Malabar. A greater administrative blunder than that could not have been committed by the Government. As a matter of fact, if the subject of Religious Endowments had not been transferred to the charge of the Ministers and had remained a reserved subject, that blunder would have been perpetuated. I am glad that it has been a transferred subject. This Bill is very necessary in respect of the temples in that part of the country from which I come. At this stage of the Bill, I do not wish to go further into the details. I would request my hon. Friend the hon. the Raja of Panagal to give reasonable amount of time, say four or five days, for the Members of the Council to digest the various provisions of the Bill and be prepared for the discussion of the various clauses. So far, at any rate, as the Members of the Council who had not been Members here during the last Council when this Bill was discussed, that time is necessary.

“I have gone through the various provisions of the Bill and compared them with the provisions of the existing Act. As my hon. Friend Mr. Cotterell said, only three sections—sections 57, 65 and 67—have been altered and the only other provision that is newly introduced and that was not found in the old Act is section 7 which validates certain things about which doubts have arisen. Therefore for such of the Members as were present here when

[Mr. M. Krishnan Nayar]

[26th August 1926]

the Bill was first passed into an Act no further time is necessary ; but I know there are Members of this Council who had no opportunity to consider the various provisions of the Bill on a former occasion and have a bona fide desire to examine the details of the measure with a view to submit to the Council their own views of it. To enable them to do so, I hope the hon. Minister will accede to my request to allow a reasonable amount of time, say four or five days, before the Bill is finally discussed."

* The hon. the RAJA OF PANAGAL:—" Mr. President, Sir, a great deal, relevant and irrelevant, has been stated in the course of the debate on this motion. I am not going to reply to every statement made in the speeches opposing the motion. The learned Member for the University took me to task for having been brief in my introductory remarks. I admit I was brief; I was brief because my case is strong and I did not think it necessary for me to varnish my arguments. The hon. Member said that I should have brought the Bill before the Council much earlier. I could not do so since the suits were filed only a few months back and it was hoped that the questions raised in the suits which were merely technical questions could be decided by the High Court without delay. But unfortunately on account of the obstructive tactics of the plaintiffs, the High Court could not do so. The litigation is likely to be lengthy. Hence it was found necessary to introduce the Bill. I have already stated that if the Bill is not introduced and passed at this stage and the doubts regarding the validity of Act of 1925 removed, there is the risk of the trustees indulging in wasteful litigation. That statement is not questioned; nor did the Opposition make out a case that at this stage of the Council the Bill cannot be introduced under Standing Orders.

" Now, Sir, coming to the other objections, my hon. Friend from South Kanara claimed to be a great authority on Dharma Sastras. I do not propose to dispute his claim; but at the same time let me say that his dicta on the principles of Dharmas are not binding upon me or upon those who think with me. The hon. Member for the University referred to the proclamation of the Great Queen Victoria and said that we are contravening the terms of that great proclamation and that we are not observing religious neutrality promised in that proclamation. Interfering with the endowments is quite different from interfering with the religious beliefs. There is a great deal of confusion as to the scope of the Bill. The Bill is not intended to interfere with the religious beliefs. It only aims at safeguarding the interests of the endowments. The hon. Member from Nellore objected to the Board levying contribution from the institutions. The Board requires funds to carry on its work. It must be remembered that even prior to the enactment of Act I of 1925 committees used to be constituted under the Act of 1863 and they were levying contributions from the institutions and the new Act has not made any new departure in this respect. The Board has to get the audit work of the temples and maths. It is only fair that the Board should levy contributions to meet its expenditure. Sir, the hon. Member from Nellore objected also to the introduction of the Bill on the ground that the Bill contemplates the inclusion of the maths. The question of bringing maths within the scope of the Bill was considered at length previously when the Bill was taken up for consideration in 1923. It cannot be said that the inclusion of maths is a new idea. Almost every Bill

26th August 1926]

[The Raja of Panagal]

that was drafted before the introduction of the Reforms did contemplate the inclusion of maths. I do not see any reason why objection should be taken to their inclusion. There is no idea at all that the Board should interfere with the religious beliefs of the mathadhipatis.

"The mathadhipatis are perfectly at liberty to carry on the administration of the maths. They are only expected to submit accounts and to have them audited. These safeguards are necessary. It is only in such cases where mismanagement is proved that the Board can interfere. 1-1 P.M.

"My Friend from Ganjam district observed that because Panchamas were not allowed to enter the temple, the Bill must not be introduced. There is no clause in the Bill which lays down that Adi-Dravidas or Adi-Andras should not enter. If they are otherwise entitled to enter them, no clause of the Bill prevents them from doing so.

"Sir, some of my neutral friends, while agreeing to the necessity of the introduction of the Bill, thought that time might be given. I am quite prepared to give time. The Members from Coimbatore and Bellary desired that time should be given. I have no objection to give a few days' time, and as this is only a Bill to re-enact an existing Act an adjournment of four days or five days I think will be quite sufficient. I appeal to the House to accept the motion."

The motion was then put to the vote and declared carried. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 27. Rao Bahadur K. Krishnaswami Nayudu. |
| 2. " Khan Bahadur Muhammad Ustun Sahib Bahadur. | 28. Mr. J. Kuppuswami. |
| 3. " Mr. T. E. Moir. | 29. The Zamindar of Mandasa. |
| 4. " Mr. A. Y. G. Campbell. | 30. Mr. K. Madanagopal Nayudu. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 31. Honorary Lieutenant Madurai. |
| 6. " Rao Bahadur Sir A. P. Patro. | 32. Mr. T. Mallesappa. |
| 7. " the Raja of Panagal. | 33. " P. N. Marthandan Pillai. |
| 8. Mr. T. R. Venkatarama Sastryar. | 34. Rao Bahadur B. Maniswami Nayudu. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 35. Diwan Bahadur A. M. Murgappa Chettiyar. |
| 10. Mr. G. T. Boag. | 36. Mr. C. Muttayya Mudaliyar. |
| 11. " V. Pandrang Row. | 37. " K. S. Ponnuswami Pillai. |
| 12. " C. B. Cotterell. | 38. " G. Premayya. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 39. Diwan Bahadur P. Kesava Pillai. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 40. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 15. Kuan Bahadur Abdulla Ghatala Sahib Bahadur. | 41. Dr. P. Subbarayan. |
| 16. Mr. S. Arpudasmami Udayar. | 42. Diwan Bahadur M. Krishnan Nayar. |
| 17. " J. A. Davis. | 43. Mr. P. T. Rajan. |
| 18. " H. B. Ari Gowder. | 44. Rao Bahadur P. Raman. |
| 19. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 45. Mr. K. Sarcarayudu. |
| 20. Rao Bahadur P. C. Ethirajulu Mudaliyar. | 46. Rao Sahib K. Srinivasan. |
| 21. Mr. A. V. Bhanoji Rao. | 47. Mr. K. Sitarama Reddi. |
| 22. " N. Devendrudu. | 48. " R. Veerian. |
| 23. " A. Ramaswami Mudaliyar. | 49. " K. Venkatachala Padayachi. |
| 24. Diwan Bahadur P. C. Ethirajulu Nayudu. | 50. Rao Bahadur P. K. A. Ct. Virappa Chettiyar. |
| 25. Rao Sahib P. V. Gopalan. | 51. Kuan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 26. Mr. L. C. Guruswami. | 52. T. M. Moidu Sahib Bahadur. |

[26th August 1926]

Noes.

1. Mr. K. Prabhakaran Tampan.
2. „ V. Madhava Raja.
3. Rao Bahadur C. V. S. Narasimha Raju.
4. Mr. J. A. Saldanha.
5. Sriman Biswanath Das Mahasayo.
6. Mr. M. Gangarazu.
7. „ S. Muttayya Mudaliyar.
8. „ P. Peddiraju.
9. „ M. Sitayya.
10. „ P. G. Venkatapati Razu.
11. „ S. Satyamurti.
12. „ P. Anjaneyalu.
13. Muhammad Meera Sahib Bahadur.
14. Mr. V. Pantulu Ayyar.

15. Mr. G. Rameswara Rao.
16. S. R. Y. Ankineedu Prasad Bahadur.
17. Rao Bahadur A. S. Krishna Rao.
Pantulu.
18. Rai Bahadur T. M. Narasimbacharu.
19. Sriman Sasibhushan Rath Mahasayo.
20. Mr. Sami Venkatachalam Chetti.
21. „ R. Srinivasa Ayyangar.
22. „ L. K. Tulasiram.
23. Mr. K. Uppi Sahib.
24. Mr. C. V. Venkataramana Ayyangar.
25. „ B. Venkataratnam.
26. „ J. Naganna Hegde.
27. „ C. Venkatarangam Nayudu.

Neutral.

1. Mr. K. Raghuechandra Ballal.
2. „ D. Manjaya Heggade.
3. „ A. Ranganatha Mudaliyar.

4. Mr. A. Chidambara Nadar.
5. „ K. Kotireddi.
6. „ B. Ramachandra Reddi.

Ayes 52. Noes 27. Neutral 6.

The motion was carried.

The Secretary then read the title of the Bill.

*The hon. the RAJA OF PANAGAL:—“Now, Sir, I request you to suspend the operation of the Standing Order No. 39. My reasons are that the Bill is more or less a formal Bill and seeks to remove certain technical difficulties and the Bill has been considered at length when it was taken for consideration before. It does not seem to me necessary to go through all the stages, especially because it is only a formal Bill.”

*The hon. the PRESIDENT:—“The only consideration which weighs with me in regard to this matter is that this Bill is a re-enacting Bill, the provisions of which have been before the Council and the country for a considerable time. This very Council was called upon to deal with amendments to it very early in its life. I therefore suspend the operation of Standing Order No. 39.”

*The hon. the RAJA OF PANAGAL:—“I now move that the Bill be taken up for consideration.”

The hon. Rao Bahadur Sir A. P. PATRO:—“I second it.”

*Rao Bahadur C. V. S. NARASIMHA RAJU:—“I now move, Sir, that the Bill be referred to a select committee. It has been said that the Bill has been dealt with by this Council on a previous occasion, that it is within our knowledge, and that some portions of the Bill were remitted to this Council for reconsideration. An attempt was made by certain Members of this Council to put their own amendments at that stage. Those amendments were, however, ruled out of order on the ground that the rules did not permit.”

“Therefore, it cannot for a moment be said that the whole Bill was under the consideration of this Council. No doubt some portions of the Bill were under consideration, and even regarding them the amendments with which the Bill was returned were put to this Council and they were discussed. It cannot be said that the whole Bill was under consideration.

26th August 1926] [Mr. C. V. S. Narasimha Raju]

"Regarding the previous Bill, this Council has nothing to do. Most of the Members of the present Council, nearly 50 per cent of the elected Members, are new Members, and they did not deal with the old Bill, and every clause of this Bill is to be put to this Council clause by clause and it has to be passed; and I am told that notice of more than 300 amendments are given. I do not know how many of them will be allowed by you under the strict rules of time required. Even there we have to make our own submission as to the shortness of notice and the exercise of your discretion in favour of moving these amendments. But that is at a different stage.

"But to say that we shall be prepared to go through this Bill without reference to the Select Committee is an extraordinary procedure, having regard to the importance of the Bill and the various questions that were raised during the course of the debate on the previous occasion. It may be the object of the Government to re-enact the Bill as it is, but we know that this Bill, whether it is ultra vires or otherwise, has been worked for more than twenty months, and there is some experience gained as to how the provisions of the Bill did work. We Members of this Council have got every right to put forward our views on the various provisions of the Bill, and it is better that the provisions are better examined by a select committee instead of the whole House going into a committee stage and discussing it.

"There is practically much difference between a select committee sitting and the Council examining the Bill clause by clause with various amendments. Here, Sir, we are always under strict discipline of the Standing Orders, such as the right of reply, etc. But in the select committees such difficulties do not arise. Each member can speak on a motion any number of times—of course regard being had to the ordinary limits of decorum—and thrash the questions well. If some amendments are agreed to they may be well worded and adopted. But if we are to take up the Bill as it is and go through the amendments it may cause much delay and we will be subjected to unnecessary restrictions as to the various procedure to be adopted. We have the advantage of having two expert Members nominated for the purpose of considering this Bill. If it is a question of re-enacting the provisions of the Bill already passed, I am not able to understand why the Government should take the trouble of appointing expert Members. Was it intended to add to the voting strength which is already large? They are expected to give their advice, their experience and their own knowledge of the working of the provisions of the Act, and it would be an advantage to this House and the country. If such an advantage is not derived, I think it will be a great loss to the institutions themselves especially when we have such eminent gentlemen as Sir Sadasiva Ayyar who is well respected and who has a high reputation. If he is not to assist us in considering the Bill in the Select Committee, I think the country would be put to a great disadvantage. If the object of the Government really is that we should re-enact the provisions of the old Act, it is not a position they can take up at this stage. The Bill does contain some alterations. This Council has nothing to do with the question by whom these alterations have been suggested. It cannot, for a moment, be said that we are re-enacting the provisions of the Bill that has already been passed. The Bill has introduced some changes and those changes have to be examined.

[Mr. C. V. S. Narasimha Raju] [26th August 1926]

"Again, Sir, I find that there are alterations in the wording of clauses 2, 3 and 4. The intention of the Government may be to recast them. We have read the clauses and we find that they produce quite a different result. They have to be examined very closely, and that can only be done in the Select Committee. I therefore submit, Sir, that there are very great reasons why this Bill should be referred to a select committee instead of being rushed through the Council causing much delay and sometimes leading to confusion. We can always be at a great advantage if a select committee examined the provisions of this Bill and submitted its report. If select committees are not to be resorted to with regard to a measure of this magnitude, I do not see any reason why we should have select committees at all with regard to other Bills. There are 200 or 300 amendments, and if they are not to be considered by the select committee we can always say that no Bill need be referred to a select committee, and that the whole House may sit as a committee and deal with the Bill clause by clause. But even after the amendments are carried we find some difficulty in seeing how the amendments give effect to the other provisions of the Bill. All this work can conveniently be done in the select committee. Therefore I move as an amendment

'that the Bill be referred to a select committee'."

* Mr. S. MUTTAYYA MUDALIYAR:—"Mr. President, Sir, the hon. the Leader of the Opposition has moved the motion that the Bill be referred to a select committee and in supporting this motion I am ready to adduce more reasons than one and they are . . ."

The hon. the PRESIDENT:—"Will the hon. Member be making a long speech? If so, the hon. Member may resume after lunch."

The House then adjourned for lunch at 1-30 p.m.

After Lunch (2-30 p.m.).

* Mr. S. MUTTAYYA MUDALIYAR:—"Mr. President, Sir, at the time we rose for lunch, I wished to second the motion made by the Leader of the Opposition about referring the Bill to a Select Committee. Whatever other reasons there may be for referring the Bill to a Select Committee, I think the procedure that has been adopted in this Council as regards the first introduction of the Bill is itself sufficient to make it absolutely necessary that the Bill should be referred to a Select Committee; and I wish to refer to one or two incidents that have taken place during the motion for the first reading of the Bill. Sir, this is a measure of first-class importance. It is true that this has occupied the attention of the last Council for a number of days, but as the hon. the Leader of the Opposition as well as some other Members have pointed out, some members here were not in the former Council. They have now come to this Council. But, that is only a ground for saying that this matter requires full consideration at the hands of this House. Under the Government of India Act, the Government have the right to nominate two expert members for the purpose of considering any Bill before the House and the Government of Madras have exercised that right and we have now two expert members in our midst. One of them is the President of the Religious Endowments Board and another is a vakil, a learned vakil of the High Court who is defending the litigation now pending in the High Court.

26th August 1926] [Mr. S. Muttayya Mudaliyar]

On a matter of such importance, where a Bill is brought forward to remedy legal defects we naturally expect some advice in regard to the working of the Act from the hon. the President of the Religious Endowments Board and the hon. the expert member who has been appointed to defend the suit in regard to the legal matters concerning the Bill. Naturally we did expect something from them. If things are like this, is it not natural to expect greater freedom to be allowed to Members of this Council in the discussion to express what they have got to express on the first reading of the Bill itself. I may probably draw your attention to the fact that soon after Mr. Tampan or the previous speaker finished, before the hon. the Raja of Panagal was called upon, myself, Mr. Madhava Raja, Mr. Narasimha Raju and some others, and I am told Mr. Biswanath Das also, rose and wanted to speak. I put it to you, Sir, first as a matter of right, and secondly as a matter of policy, that even supposing the President has a right to apply closure at any moment, I put it to you, Sir, as a matter of expediency, as a matter of policy, as a matter of decency

The hon. the PRESIDENT:—"Order, Order. I thought the hon. Member resumed the discussion. I thought he was speaking on the motion that the Bill be referred to a select committee."

* Mr. S. MUTTAYYA MUDALIYAR:—"I am submitting this as one of the reasons that we have not discussed the Bill sufficiently during its first reading. If we, every one of us had expressed all that we had to say, probably there would be no necessity to refer the Bill to a select committee. Now our mouths have been gagged; we have not had the right to speak and I think what I am now speaking is in order. What I am now submitting is that just before you called upon the Raja of Panagal many of us, including myself, got up to speak and you called upon the hon. the Raja of Panagal, probably rightly because there is nothing to prevent other Members continuing the debate after the hon. the Raja of Panagal has spoken on this matter."

The hon. the PRESIDENT:—"When the President calls upon a Member of Government to speak, unless the Government Member has raised new points, the President is not expected to call upon other members to speak."

* Mr. S. MUTTAYYA MUDALIYAR:—"I quite agree, but before you called upon the hon. the Raja of Panagal, other hon. Members, Mr. Rath, Mr. Narasimha Raju and probably other Members rose to speak and the hon. the President called upon the hon. the Raja of Panagal to speak. Common decency requires"

The hon. the PRESIDENT:—"Order, order. I am afraid the hon. Member ought to be more careful in regard to the expression he uses and it is not merely hon. Members' rising in their places that makes the President call upon them to speak. They must also catch the eye of the President."

* Mr. S. MUTTAYYA MUDALIYAR:—"I believe, Mr. President, we were conspicuous enough and if we did not catch your eye it is unfortunate. Probably I was so insignificant as to be not seen."

* The hon. Mr. T. E. MOIR:—"Order, order. Is the hon. Member speaking on the motion before the House or rising to a point of order or questioning the President's ruling."

[26th August 1926

* Mr. S. MUTTAYYA MUDALIYAR :—" I thought, Mr. President, when the question was put by you, you allowed me to proceed further without ruling it out of order. I think I am in order."

* The hon. Mr. T. E. MOIR :—" If the hon. Member desires to make any suggestion to the Chair, ought he not to have done so at the time? It is presumably a speech on a motion not before the House."

* Mr. S. MUTTAYYA MUDALIYAR :—" Mr. President, ordinary rules of decorum require that an hon. Member should not intervene when the hon. the President is on his legs. There is a specific rule to this effect. Otherwise I would have done it and I mentioned it to the hon. the Leader of the Opposition also."

* The hon. Mr. T. E. MOIR :—" The President sat down."

* Mr. S. MUTTAYYA MUDALIYAR :—" I may tell you, Mr. President, that many of us were disappointed either rightly or wrongly and have only to submit that we must have freedom of speech. I submit that the President has under the Standing Orders and rules, no power to close a debate when there is no motion for closure from any side of the House."

" I would only wish to call your attention to Standing Order 33 :

' At any time after a motion has been made, a member may move " that the question be now put ", and unless it shall appear to the President that such motion is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the question " that the question be now put " shall be put forth and decided without amendment or debate"

The hon. the PRESIDENT :—" Order, order. I must ask the hon. Member whether he is speaking on the motion before the House or rising to a point of order."

* Mr. S. MUTTAYYA MUDALIYAR :—" I think, Mr. President, I am speaking on the motion."

The hon. the PRESIDENT :—" I must ask him to confine himself to the terms of the motion, namely, that the Bill be referred to the select committee."

* Mr. S. MUTTAYYA MUDALIYAR :—" If you, Mr. President, had ruled it out of order, I would not have referred to this. As you did not rule it as out of order, I thought it was in order."

The hon. the PRESIDENT :—" I can rule a Member out of order at any time."

* Mr. S. MUTTAYYA MUDALIYAR :—" I quite appreciate that the President has got the power, but I may tell you that I was induced to proceed further on this line by the conduct of the President which made me believe that I was in order."

The hon. the PRESIDENT :—" Will the hon. Member kindly speak on the motion before the House, which is that the Bill be referred to a Select Committee?"

* Mr. S. MUTTAYYA MUDALIYAR :—" I shall confine myself to the motion before the House that the matter be referred to a Select Committee. My reasons for moving that the Bill be now referred to a Select Committee are that we have not had sufficient time to discuss the Bill in the first reading and that we have not had sufficient opportunity to discuss the Bill, not

26th August 1926] [Mr. S. Muttayya Mudaliyar]

because that Members were not ready to speak, but because of some mistake. I do not know if the President thought that he had a right to close the debate and put the motion before the House. My second point is that as we have not had sufficient opportunity to discuss this Bill on the merits and on the general principles during the first reading of the Bill, we must be given an opportunity to discuss these in the Select Committee and I consider that it is absolutely necessary that the matter should be referred to a Select Committee. It has been urged by the hon. the Raja of Panagal that this Bill was before the previous House and was again before this House when certain amendments were remitted to this Council by His Excellency Lord Willingdon, but at that time many of the Members of the Opposition took the attitude that this House had no power to discuss the amendments and did not deal with the merits of the Bill and walked out and there was absolutely no discussion in the Council as regards details. So far as the Members of the Opposition are concerned, they did not take part in the proceedings and they did not discuss the Bill, as they thought these amendments were out of order and ought not to have been introduced in the Council. We had therefore no opportunity of discussing the Bill on its merits. This is a matter which ought to weigh with the Council whether the Bill should be referred to a Select Committee or not. We have to consider whether every hon. Member of this House and whether every person who has a right and who is affected by this Bill has had an opportunity to consider this Bill and we, as representing the electorate, are sent here to safeguard their interests. This matter requires further consideration and the matter ought, therefore, to be referred to a Select Committee. It may be said that it will be open to us to move as many amendments as we please which the House will consider. I must remind the hon. the President and the Members of this House that, instead of our moving amendments in the Council with restricted opportunities of speech, the right procedure would be to discuss the measure in the Select Committee in proper form and reduce it to an agreeable shape. If it is referred to a Select Committee, I dare say many more amendments will be introduced and the Bill will be more satisfactory and as the hon. Member Mr. Rath said we shall not be legislating in haste and repenting also in haste. With these few words, I commend to this House that the matter may be referred to a Select Committee."

* The hon. the RAJA OF PANAGAL:—"Sir, I oppose the motion. I have already pointed out that the Bill is more or less a formal one and proposes to re-enact an existing Act. As such, it does not appear to be necessary to refer it to a Select Committee. By referring it to the Select Committee, we will be unnecessarily taking up the time of the hon. Members. The hon. Members are aware that the general election is coming off soon. Now, if the Bill is referred to the Select Committee, it is possible that the Committee may insist upon the publication of the report, and after the publication of the report, time may be asked for giving notice of amendments. If these formalities are to be gone through, it will not be possible to take up the consideration of the Bill before the end of this month; and if the Bill is not taken up for consideration before the end of this month, there is no chance of its being taken up at all in this Council. It is proposed to have the elections early in November and if the elections take place early in

2-45
P.M.

[The Raja of Panagal]

[26th August 1926]

November, there must be sufficient time for the candidates to canvass. There would be no chance for the Council to meet again. In other words, we will be shelving the Bill altogether so far as the present Council is concerned. I have already told the Council that by shelving the Bill we will be exposing the trusts to heavy expenditure on litigation. For these reasons, Sir, I think it is not necessary to refer the Bill to a Select Committee."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I support this motion, and I just want to say a few words. Although I am one of those who would support some Bill of this nature dealing with the religious endowments in this Presidency, I think that it is not after all such a formal measure as has been represented by the hon. the Chief Minister. The one important point which we have to deal with is as to whether this is a validating Bill or a new Bill. A validating Bill means an insult to the whole Council, it will be an insult to the Government, an insult to the Governor and an insult to the Viceroy. The very same objections that have been recently raised in regard to the validity of the Act were raised both on the floor of this House and in the Government Houses when various deputations met Their Excellencies. It is therefore too much to suppose that all those persons were wrong, that this Council was also wrong, that your predecessor was also wrong in his rulings and now that the advisers of the Government were wrong when they gave that advice then. Over and over again it was repeated that the objections raised by Members in the Opposition were not at all reasonable. Therefore, Sir, it is not fair to say now at this late hour that all that we have done both in this House and outside is illegal, and that all those objections that were then thrown aside as untenable are now proved to be correct. I do not want to go further, Sir. The question now is as to whether all that has been done is wrong or illegal. If the Government think that they were all legal, let them fight it out in the courts of law and say that after all there is nothing to show that those things were illegal. If, on the other hand, the Government are convinced now that all that had been done is wrong, that the Act was illegally passed, that the legal advisers then gave the wrong advice and misjudged the Act, that the legal advisers"

* The hon. the RAJA OF PANAGAL :—" May I say, Sir, that I never said that what has been done is illegal. I only said that certain doubts have been held regarding validity of Act I of 1925."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am presently coming to the question of doubt, Sir. But there is no doubt that the Government are now convinced that what all they have done so far is illegal according to the advice now given to them—of course it is only a doubt. Then, why not have a clear decision? Why should you say that this Council has wasted"

* The hon. the RAJA OF PANAGAL :—" I have already mentioned that if doubts regarding the validity are not removed trust funds will be wasted on litigation. If these doubts are not cleared immediately, expenditure on litigation will go on merrily."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I shall be coming to the question of that waste presently, Sir; but the hon. Minister told us yesterday

26th August 1926] [Mr. C. V. Venkataramana Ayyangar]

that the advice of the legal advisers was that it was rather a little doubtful whether it was legal, and therefore the Government have now been advised to bring this measure”

* The hon. the RAJA OF PANAGAL :—“ He is misrepresenting my statement. I never said that the legal advisers of the Government expressed an opinion about the illegality of the Act. They only advised us about the necessity for the introduction of this Bill to remove any doubt that may exist.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ That is exactly what I said. The present legal advisers”

* The hon. the RAJA OF PANAGAL :—“ They advised us that a Bill might be introduced to remove possible doubts regarding the validity of Act I of 1925.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ What does it mean ? It means that the present expenditure is illegal, that the waste of money is illegal, that the Act under which such money is spent is illegal. (Laughter.) Yes, that is the logical conclusion. What I say, Sir, is that the Government have no business to presume that it is illegal. If they have serious doubts in this matter, I mean the Government, this is not the proper position for them to take. It is a serious matter to say that the Council, the Governor and the Governor-General were all wrong and to say that all that has been done all these three years and the money spent in that period was a mere waste of money. We have been all along doing something which is doubtful in its legality. But supposing, for argument sake, the whole thing is illegal, that the advice probably given by the legal advisers of the Government is illegal, although they did not venture to say so, it is clear now that what the Government have stated in their written statement is not quite correct. In the High Court, the Board have put in a statement to the effect that all that has been done is legal and I suppose they were advised by the legal advisers of the Government to put in such a statement. They had to put in a statement there”

* The hon. Mr. T. E. MOIR :—“ On a point of order, Sir. Is the Board's statement which the hon. Member refers to before the House ? If not, is he right in discussing it ?”

The hon. the PRESIDENT :—“ The motion before the House is that the Bill be referred to a Select Committee. May I ask Mr. Venkataramana Ayyangar to confine himself to the terms of the motion ?”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, I was trying to show that the Bill in section 7 or so contains a very important and controversial matter, viz., as to whether this is a validating Bill. The very fact that this is a validating Bill assumes that there is something illegal in the previous Act. I say it is wrong. The Government should not proceed on that presumption. That is the point I am now developing. I say that the Government must make up their mind, with an expert paraphernalia of legal advisers, to say whether the old Act is legal or illegal. If it is legal, let them fight it out to the end ; there is no one here to throw any doubt on it. If it is legal, certainly the country will be behind them when they fight it out and try to maintain that all that has been done is legal. But, Sir, if it

[Mr. C. V. Venkataramana Ayyangar] [26th August 1926]

is illegal, we expect the Government to say so and we also expect them to pay for costs. What is the position of the people who believed that it was illegal and rushed to the courts on that suspicion? In spite of all that, the Government now say that it is illegal. We admit that what we did was illegal and we admit that the people who brought this illegality to the notice of the country have shown that it was so much waste of money and have also satisfied the Government as to the illegality of the Bill. You now pass a validating Act which means that all this expenditure will fall on the trustees. The Government say that they do not want the trust funds of these endowments to be wasted, what will be the result? The Government, the Council, the Governor and the Governor-General, all of them have committed mistakes, and the tax-payers whom our friends represent here do not want to pay the cost of this litigation. Then it is these endowments that will have to pay from the money contributed by pious people and it is those pious people that will have to bear the cost. The High Court will to-morrow say 'Well, the Council has passed another validating Act. We do not go into the question of the validity of the old Act and therefore these suits are dismissed with costs'. Probably, the Board will claim their costs too. Therefore, Sir, if it is legal, let the Government fight it out; but if it is illegal, let the Government admit that, and ask for a decree against them. We have committed a mistake for some reason or other, and it will be more straightforward and more honest to say so instead of coming here and saying, 'Serious doubts have been thrown, therefore, let me pass this Bill validating all that has been done in these three years'. I think it will be more straightforward to say, 'We have passed an illegal Act; we will pay for it. Let us forget all that has been done up to now and let us have another Bill'. Instead of doing that, instead of telling the people who have brought us to our senses, as it were, that we have passed an illegal Act, we want to burden them with the costs of the litigation. Therefore, Sir, my first point is that this validating Bill is very unfair. We must omit that portion. It is of such a controversial nature that we should avoid similar things being done hereafter. If once we give room for such a validating Act, what will be the result? The Members of this Council will come and sit with their hands in their pockets, because if there is anything wrong, there will be a validating Act next year. We can ourselves pass an Act to-morrow saying that all the things that were done illegally will be validated. Therefore, Sir, I submit that it is a wrong precedent to say that any validating Act can be passed in such an easy way. It is of such a controversial nature that it is not fair for us to rush it through in this House without sending it to the Select Committee.

"One other point and it is this: I am one of those that would gladly support some Bill dealing with the religious endowments, and when this old Act was in the stage of a Bill, I supported it and at the same time I remarked, just like several other hon. Members, that the Bill as it passed out of this Council had several defects, had several wrong clauses, wrong sections and several omissions. It was said, then, I believe on behalf of the Government, that experience might probably show where the defects lay and there was a general hope expressed—I cannot say whether it was correct, but that was the general impression—that after the experience of two or three years, some amending Bill might be brought in to remedy the defects. I believe, Sir, that when some amending Bills were actually brought, it was

26th August 1926] [Mr. C. V. Venkataramana Ayyangar]

said 'it has hardly been given a trial, it came into operation only a few months ago, and we shall wait to see if any defect should be remedied'. Well, Sir, this Act has been working for the past 20 months and now we have got a Bill dealing with the whole question. It cannot be said that this Bill deals with this aspect or that aspect of the endowments question. It deals with the whole question. Then, why not you take up the necessary amendments? I am told—and I speak subject to correction—that the Commissioners of the Board have themselves suggested a large number of amendments, which they have found necessary to bring forward for the satisfactory working of this Act. I believe the Government also must have received a lot of information that the Act has shown some defects and that they should be remedied. If that is so, Sir, why should not those amendments, if there are any, in the hands of the Government received from the Board of Commissioners or from other leading persons in this Presidency, be taken into consideration? Why should we waste all our time and money and still have only that law which was passed two or three years ago? I therefore suggest, Sir, that it is unfair to ask us now to come and go, simply saying that what we did two years ago was incorrect and we have nothing more to do than to validate it.

"Sir, it may be said that after all a few days' or a few weeks' delay or, for the matter of that, a few months' delay will bring down the Heavens. I do not know whether the Heavens are so light as to come down in a few days or in a few months; but after all, this Act has been in existence for the last two years. Even the hon. the Finance Member has been liberal enough to agree to large grants being given to the Board of Commissioners."

* The hon. Mr. T. E. MOIR:—"On a point of order, Sir, I would point out that it was the Council that sanctioned the amounts."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Exactly, Sir; but with all respect I may submit that even the hon. the Finance Member—and I take it if my memory serves me—did not raise his voice against such grants. I therefore say that even the hon. the Finance Member—and I repeat it—who is very strict in cutting all these grants, *even* he, agreed to give a large grant to the Board of Commissioners. And I suppose there will be no objection to stretching the point that even the hon. the Finance Member would have given a few thousands more, if necessary. After all, there is nothing in the way of a limitation Act for a validating Bill to be passed. If the validating Act should be passed two years after the original Act was passed, there is nothing to prevent the validating Act being passed 26 months after the old Act."

"If the Government are so sure of their position, if the Government are so sure of the reasonableness of their action, why should they entertain apprehensions about the next Council? They are sure of having a majority. My friend, Mr. Narasimhacharlu, assured them, if any assurance was required from this side, that the hon. the Chief Minister would be returned in the next Council. They can fairly and thoroughly consider the Bill at the next Council. We do not want further litigations. I am not one of those, Sir, who want litigations to be encouraged under this Act. I want to

3 p.m.

[Mr. C. V. Venkataramana Ayyangar] [26th August 1926]

avoid as much litigation as possible. Why should all those defects continue without being remedied? There are a number of points on which we feel strongly. I believe that the hon. the Chief Minister was present in the last Council. On some points there were very small majorities and in certain cases there were strong minorities. I think one of them was with regard to the appointment to the Board of Commissioners. These are points which should be further discussed. Certainly, the hon. the Chief Minister will have a large majority and without any fear he can have this Act going on. Therefore, from any point of view, it is absolutely desirable and necessary that it should go before the Select Committee and the matter should be discussed and disposed of. I made an analysis of the members and I believe, I am not wrong, if I say that more than 50 per cent of the members of this Council were not in the old Council. What was the fate of this Bill in the old Council? How many days did it take, how many members of the Select Committee were there and how many papers were printed? We thought that all that was necessary should be printed for the elucidation of the facts by the members of the Select Committee as well as by the members of the Council. If that is so, is it not necessary, Sir, that the new members of this Council and old members of this Council, like myself, who have not a very strong memory (laughter) should be given an opportunity to go through these provisions carefully and come to some satisfactory conclusion? We want some satisfactory conclusion, we want some Bill, some Act which cannot be easily questioned again in courts of law, and for that, it is better that the matter is considered carefully. I am at one with Mr. Narasimha-charlu that the hon. the Chief Minister will be here again in the next Council, but personalities do not count, and individualities do not count. So far as these big matters are concerned, whether the Opposition is the same, whether the Government is the same, whether the Chief Minister is the same, it does not matter. If it is different, it will be all the more welcome. If a different set of Cabinet Members, if a different set of Ministers and a different Opposition all agree upon a new Bill, it will be much more satisfactory. It may not give room for objections in courts of law. Therefore, I appeal to the House to consider the matter carefully. Nothing is lost by postponing the matter for a few days. Everything is gained in the way of consulting public opinion and bringing it in favour of this measure, if it is delayed for a few months. Therefore, I appeal to the hon. the Chief Minister not to rely upon the majority but take the ordinary common-sense public point of view and then see whether it is desirable or not to agree to the adjournment of this Bill. I thought he would adjourn it for 4 or 5 days. It is necessary that we should have 4 or 5 days more for further consideration. It may be that 4 or 5 months are necessary—but in any case I should strongly urge that this matter comes to the Select Committee. The Select Committee may consider the details and then it is better to pass it at another sitting, after the Bill emerges out of the Select Committee. Sir, the hon. the Chief Minister fears that somebody may give notice of amendments. Does he want to shut out amendments? Why is he so anxious to shut out amendments? He should, in fact, welcome people who would propose amendments."

* The hon. the RAJA OF PANAGAL :—"Sir, I did not say that. I only said that time will be taken up."

26th August 1926]

* Mr. C. V. VENKATARAMANA AYYANGAR :—“What does it mean? If you do not want time to be wasted, I said you shut out amendments. It means the same thing and it is the logical argument. Nothing more and nothing less. I submit, Sir, it is not the question of voting, it is not the question of appealing to this House, but it is the question of appealing to the hon. the Chief Minister to take these things into consideration. The Select Committee will only take 4 or 5 days and it will be left to him to rush through into the matter in the Select Committee rather than here. Therefore, I rise strongly to support the motion that is before the House, namely, that the Bill be referred to a Select Committee.”

Rai Bahadur T. M. NARASIMHACHARI :—“Mr. President, Sir, I have got only a very few words to say in support of this motion, to refer this Bill to a Select Committee. The object of the Bill is to re-enact the old Act. I can understand that there will be no Select Committee if only section 7 is brought as a Bill under this Act. We have the old Act but we only wish to clear the doubts by enacting section 7 as a separate Act. Then, there need be no consideration of the several provisions of the Hindu Religious Endowments Act of 1923. The only question before the Council would then be whether the old Act was validly passed or not, whether there are any reasonable doubts about the validity of that Act and whether there is any risk of the High Court or the Privy Council decision running against the validity of that Act. That will be the only question and we can dispose of it quickly. Instead of bringing only that section, that one single section in that Bill, I do not know why the Government have thought of introducing all the old provisions in the new Act and then try to get them re-enacted. Is the distinction which I pointed a mere distinction without substance? Is it a mere distinction only in form? I submit, Sir, that when the Government wanted to introduce the old provisions again to be re-enacted, there must be something at the back of their minds; they wanted to legalize not only the doubts that they have expressed but also to get this matter completely through. I submit, Sir, from that aspect of this question, it is a point for consideration whether you should introduce all the provisions of the old Act in this revised Bill instead of confining yourself to enacting a single provision like section 7 of the present Bill. If it is necessary that the old provisions should be re-enacted, then, Sir, I submit, there is the question of the necessity of these provisions being considered by the Select Committee in the usual course of things. I am not at all convinced, I do not mean any disrespect to you, Sir, that because the same provisions have been passed, have been considered by the previous councils, that therefore there is no necessity to consider that again. If so, why at all introduce the old provisions again? What is the real object? I still honestly tell you, Sir, that I am unable to find out any reason, any distinction at all why the old provision should be brought over again for the so-called discussion. Therefore, I say that we should get through the provisions of this Bill with a Select Committee. It may be said ‘well, all these amendments can be considered in this Council, the whole Council sitting in committee’ but, I submit, it is not easy. In the Select Committee, those few persons that are selected can sit, calmly and deliberately consider every aspect of the case, taking into consideration the experience that has been gained during the working of the existing Act in the last few months, making suitable modifications and the Bill may be brought forward for the consideration of the

[Mr. T. M. Narasimhacharlu] [23th August 1926]

Council when it will be able to say what it is that has really to be considered. They may suggest amendments later on. I submit, Sir, that is not at all a matter of mere form. I know, Sir, that in the last Council, when this matter was referred to the Select Committee, I can assure you, Sir, people who advanced views opposed to this Bill were not included in the Select Committee. You can count the number and find that very many people, in fact, most of them, were excluded from that Select Committee. (Laughter.) You should have invited their views and opinion even if they had not been in the Select Committee. It would have been fair to the Government to have invited their opponents to their parlour. (Laughter.) That was the nature of the constitution of the Select Committee. When the Bill was again committed to this new Council by His Excellency, well, we were not at all allowed to put forward any amendments except to consider the amendments put forward by the Government. Therefore, our hands were tied, and now, Sir, you have brought forward the old provisions again. Why? You ask at the same time 'Don't consider this matter in the Select Committee, don't pursue the matter in the usual course, close your mouths and whether you vote for it or not we will pass it.' I submit that the attitude of the Government is not fair and they should give us every opportunity of discussing the Bill at length. The hon. the Chief Minister says that as the elections are closely approaching we would be employed elsewhere, and that therefore we should precipitate the passing of this Bill. I submit, Sir, that it is not fair at all. If the elections are approaching, it approaches you as well as me. I therefore submit that we shall consider this Bill leisurely.

3-15
p.m.

"Then, the hon. the Minister says he wants to avoid the large expenditure of trust moneys. What about the expenditure here on account of this validating Bill? Every day a thousand rupees is being spent for the Members, including the Members who are residing in Madras. (Laughter.) Then, the Chief Minister was kind enough to agree to adjourn it for four or five days. Is it a great boon to this Council? I would rather that we did not have those four or five days, lest it should be said that ample time was given to the Council for consideration of this Bill. It will be said that Government have made that generous, grand concession of adjournment for four or five days, and that therefore it was amply and fully considered. I would rather that it is disposed of to-day than five days hence, so that we might tell afterwards to His Excellency the Governor-General, 'Well, Sir, this is the way in which things are being done so far as our religion is concerned. A Government which is pledged to religious neutrality is placing in the hands of a secular Board all our endowment properties.' After all, it all depends on the way in which you work the Act; it all depends on the personnel of the Board of Commissioners. So, it cannot be merely said that it is only the secular aspects of the religious endowments that we are concerned with. All that will not do. It all depends on the Board of Commissioners with which they work its constitution, its sweet will and pleasure, and the views that the individual Commissioners hold about the forms of worship. Mr. Prabhakaran Tampan has given several instances in which the Board has interfered where they should not have interfered. Instances can be multiplied. I am not concerned with them. In the light of what has been expressed in this Council, in the light of the past experience, in the face of the facts that we are re-enacting the old provisions, I submit that it is but fair that this Bill should go to the Select Committee. Whether I am

26th August 1926]

[Mr. T. M. Narasimhaacharlu]

included in the Select Committee or not, I do not care (Laughter). Let the Select Committee calmly and deliberately consider the several aspects of the question, we shall have a meeting of this Council in September or October, and then we can pass it. I say we have September and October, two full months, before the elections, and therefore we can achieve wonders in the meanwhile. If everything is done in the usual course, the hon. Minister will have the satisfaction of advising His Excellency the Governor that we have been given ample opportunity for considering this Bill, and therefore he will be considerably strengthened in his position in getting the sanction of the Governor and the Governor-General. I do not see why he should object to the usual course which the Bill should take. I shall not go to the length of saying that it is an illegality. But I submit that this is a very unfair procedure that has been adopted in this case. I therefore submit that this matter should go to the Select Committee."

* Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, Sir, I wish to take this Council back, if I may, to the actual reality of the situation for the third time during the last two days, when identical issues were seriously raised by hon. Members on the other side, viz., the issue whether this Bill should be re-enacted in this Council or whether the Bill may be taken up for consideration in the next Council. The motion looks as if it is a very reasonable motion, a motion merely that the Bill, a Bill of such complex nature, may go to the Select Committee. But the speeches made clearly and amply justify my supposition that the motion is really one of those blocking motions by which this Bill might be choked here, by which a seal might be put on the jurisdiction of this Council over this Bill. Before going into that question, I should like to deal with the curious and interesting point that my hon. Friend Mr. Narasimhaacharlu has raised with reference to the legality of this Bill. This Bill has been propounded by Government. If he had been in charge of the Bill, he would have framed only two sections (Rai Bahadur T. M. Narasimhaacharlu : 'Only one'). He is bound to have at least two sections, because the first section must declare the title of the Bill and he can have the operative portion only in the second section. So, I said he would have only two sections. (Rai Bahadur T. M. Narasimhaacharlu : 'You save time'). So far as I am concerned, Sir, I want so much more time to attend to other work. But joking apart, what is the real difficulty in connexion with this Bill that was passed last time? The question is not whether that which was done by this Legislative Council when it passed the Bill through the three stages was itself legal or illegal. All our actions before April 1923 are beyond cavil or question. We passed the first reading; then we had the Select Committee; we had a number of members on the Select Committee. But unfortunately Mr. Narasimhaacharlu was left out. It is a most curious misfortune. That is all I will say on it. Then, we had the Select Committee report republished; we had a long session over this Bill; we considered about 900 amendments, and we went through all of them, and nobody has questioned the legality of all that was done then. Now, as regards the question of legality that has arisen it is with reference to some procedure that was applied after that stage, some extraneous authority other than this Council having intervened in the course of its working with reference to this Bill. Now, that sort of illegality, if it is an illegality, cannot be cured by any validating Act of this

[Mr. A. Ramaswami Mudaliyar] [26th August 1926]

Council, and therefore it is that a re-enactment of the measure is necessitated. If the Governor did not give his assent at the proper time, if the Governor-General did not assent to it at the proper time, then those questions of doubtful legality cannot be dealt with here in order to validate them, but they can only be done by the Imperial Parliament and not by any Assembly or Council in this country. But Mr. Narasimhaachari will have a Bill of two sections to validate all that. But that will be of some doubtful legality."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I believe the present Act seeks to validate all those Acts that were done under the old Act."

* Mr. A. RAMASWAMI MUDALIYAR :—" All the actions done, not acts. No action done by the Legislative Council of this Province is in question. Any act, which is of doubtful value caused by extraneous circumstances which have nothing to do with this Council, cannot be validated by any Act of this Council. If the Governor-General has not done his duty at the proper time, this Council is not seized of any jurisdiction over this matter, and it cannot validate a measure which is found to be of doubtful legality. Therefore, it is, that instead of a validating Bill, a re-enactment has been necessitated, so that the Bill may go once more through the Council through its several stages and become part of the law (Mr. S. Satyamurti : 'Several stages, Hear, hear'). My hon. Friend is curiously understanding me.

"Now, as regards the validating portion of it, the point is this. Certain actions have been done under the belief that the old Act was a good Act, and if doubts are expressed as to the legality of those actions then it stands to reason that the different bodies or persons who have done those things under the belief that this Council has authorized them to do under that Act, should be saved. Their actions should be validated. They should not be at the risk of being taken to courts of law for all those actions. This Council which was responsible for the first Act takes upon itself to validate those actions that have been done by public authorities under that very Act.

"Now, I come to the question of referring this matter to the Select Committee. It looks very reasonable that a measure of this large complexity should go before a Select Committee. But, in essence, as has been pointed out already, this is merely a re-enacting measure, with absolutely no changes except two small changes which have been directed to be made or which have been suggested to be made by the Viceroy, and which have been incorporated in this measure. Apart from that, the whole of yesterday and the greater part of this morning we were discussing this very question, viz., whether this Council should take up this Bill now or whether it should be considered in the next Council, and the two votes that have already been taken show quite clearly that the House is anxious to take up this Bill and get through this Bill by itself, that this Council is anxious to take up this Bill and to do its duty by this Bill. Now, if that is accepted as the decision, on two distinct occasions, given by this House, then any proposal at this stage with reference to the procedure to be adopted must be consistent with that decision. I ask for no more reasonable consideration from the hon. Members of this House than this : that their amendments regarding the procedure, regarding the adjournment and other things should be consistent with the decision twice repeated by this House that this Council should

26th August 1926] [Mr. A. Ramaswami Madaliyar]

itself go through the several stages in connexion with this Bill. Now, where does the motion to refer this matter to a Select Committee really lead us? Some hon. Member suggested that the Select Committee might be directed to report within a few days; that is, a time-limit might be fixed. Granting that it is done, you cannot get through it with the shortest time limit, say even a week or a fortnight as somebody suggested, where you have a Select Committee not merely to register the Bill as it has been issued by Government. You must allow the Select Committee time to consider the amendments now proposed, besides the amendments that might be found necessary in the Select Committee, and then they should report the matter to the Council. Now in a matter of this vital importance, many amendments of a far-reaching nature might be incorporated. It may be that they are most reasonable. It may be that I personally may accept the amendments. But what is the result? The result is that the Select Committee is bound to suggest that the Bill as amended must be republished, republished not merely for the information of the Members of the Council but republished for the information of the world at large. That republication necessarily again takes us on to several weeks, and then again they may recommend that the republished Bill must be translated into different vernaculars and republished in the Gazette. After that stage, when it comes before the Council, we cannot take it up directly as the Select Committee reported on it, and hon. Members must be given time again with reference to the republished Bill to send in their amendments. All that will take you on to January or February next, that is to say the next Council. An indication has already been given here by the hon. the Law Member that the elections will be held somewhere in the neighbourhood of November 8th. We take it for all reasonable purposes that the elections will be on the 8th of November. The nomination day for the elections must come off a month earlier, somewhere about the 8th of October. Therefore, the Council will have to be dissolved some weeks before that date, probably by the 15th of September. Between to-day the 26th of August and the 15th of September, devise any methods you like, constitute any Select Committee you like to report by any particular date you like. With all those possibilities, nay certainties, ask the House to accept the motion that you are making. Otherwise, come out with a frank statement that you do not want this Bill to go through this Legislative Council, that you want it to be taken up in the new Legislative Council. Let us not beat about the bush, let us not try to circumvent, let us not try to over-reach, each other in these matters. Either you are for passing this Bill in this Council, or you are not. I say that this motion to refer the Bill to the Select Committee is nothing more than, or nothing less than, letting the Bill be shelved for a long time to come. On the other hand, what is the attitude taken up by the Government?

"The Government say the amendments are there. We will take up the measure next Tuesday and in the open Council let us go through every one of them by sitting day after day until we finish them. Perhaps it may take five or ten days. That does not matter. Give ample opportunities for everybody and take the decision of the Council on every one of these amendments and let us have the measure as it emerges after that state. Is that unfair; is that unreasonable? If you have this one idea in view, that the Bill must be got through this Council, then I have nothing to say. You

3-30
p.m.

[Mr. A. Ramaswami Mudaliyar] [26th August 1926]

accept the decision of this House taken twice in this sitting and act according to it loyally. If you do that, you will not vote for the Select Committee. The object of this motion is to defeat the very purpose of the Bill.

"My hon. Friends may say, we have already received 300 amendments and it is impossible to consider those amendments and that it would be very much better to allow it to go to a Select Committee. I can assure them that in the case of a Bill of this nature, Select Committee or no Select Committee, the amendments are not going to be any the less in number. I told you, Sir, on the last occasion there was a large Select Committee of over 35 members sitting over the Bill for several days, with that Committee taking evidence *in extenso*—what was the result? After the Select Committee's report came, there were 900 amendments. Are you going to suggest that the number of amendments depends upon whether the Bill goes to a Select Committee or not? That has not been our experience in connexion with any measure of legislation in this House. In fact, Select Committee or no Select Committee, the number of amendments which individual members have given have always been according to the importance of the measure and not according to the consideration whether the question had been fairly well threshed out in the Select Committee or whether there had been a distinct majority there or not. Therefore, I venture to suggest that there is nothing gained by this amendment to refer the Bill to the Select Committee. I think it is really an amendment which in effect says, throw out this Bill at this stage."

Mr. P. ANJANEYULU :—"I have listened with a great amount of care and attention to my hon. Friend the Member for Chingleput. He has attempted to show that this motion to refer the Bill to a Select Committee means to postpone this Bill to the next Council. I turn round and repeat the argument which comes to this : That not referring this Bill to a Select Committee and requesting the President thrice to deny the normal procedure of the rules that guide the proceedings of this House before this Bill blooms into an Act is an abnormal procedure. It was suggested, Sir, that this Council had considered this Bill. It is a mistake. The Council now sitting is not the same Council which sat in 1923. This Council has had no opportunity of expressing its opinion on this Bill at all. When His Excellency recommitted this Bill, only portions of it were sent for reconsideration and this side of the House then took objection that a Council which never considered the original Bill would never reconsider it and certainly not portions of it that were sent back as amendments. This side of the House then protested that the Bill must not be referred to this new Council. But by a legal quibble it was said that the new Council was only an extension of the old Council. Therefore on 3rd April 1924, if I am correct, a portion of this House having failed to impress itself on the majority of the Members of this House left the hall. Thus, it is not right to say that this House or at least a portion of the Opposition discussed even those amendments. Now it comes to this : that we are asked simply because a Council, not the present Council, discussed this Bill once upon a time and voted for it and it became an Act not in any illegal way, but of doubtful legality, because the hon. the Chief Minister is unwilling to use the word 'illegal' but says only 'doubtful legality', the hon. Minister comes before this Council and asks us to give our votes for it. Now, my hon. Friends on the other side say, 'the thinking was once done for you by your predecessors

26th August 1926] [Mr. P. Anjaneyulu]

who were sitting in your place. You can take it on trust. They did everything in the Select Committee. They took evidence and voted thereon and there was a majority vote and only then it became an Act. Only there was an extraneous voice crying against it recently. Therefore, take everything in trust and only hold up your hands to say 'Yes' when we say an Act should be passed, and 'No' whenever we say 'No'. Is it right? Is it fair to the new Members? Is it taking the country into your confidence? Is it giving an opportunity to the Opposition Members who are representing large areas and who have been sent here with a mandate to tell the House and the Government what they think of this Bill? We are not to-day what we were six years ago. Some of us might have grown wiser and some of us the other way, but all have grown six years older. We might have changed our attitude. The Councils were boycotted by some portion of the politically minded public of this country. Now it is otherwise. They have changed their views even, as those who voted for this Bill six years ago might not vote for it now. The ideas prevalent six years ago might not be the ideas of to-day. The Bill that was enacted twenty-four months ago and has been in operation may have revealed as an Act certain defects and discrepancies and certain jarring principles might require some amendment. Therefore it is that we have sent up a number of amendments. Is it right, I ask the hon. Member for Chingleput who holds a brief for the Ministerial party to say that because this Council once discussed the Bill and because it passed all the stages in this Council once, we should for ever vote for it blindly? Can we say that if an Act is passed, it is passed for ever and that this Council has no more voice on it? Can it be said that Councils may come and Councils may go but the Act is there and no one dare introduce an amendment, dare express an opinion on it and dare vote against it because it was once discussed? His argument comes to that."

* Mr. A. RAMASWAMI MUDALIYAR:—"On a point of personal explanation Sir. Does the hon. Member really suggest that I said anything like that?"

* Mr. P. ANJANEYULU:—"I only said it comes to that. My friend said: We took evidence. I did not take any evidence. A number of my friends did not take any evidence. We did not vote even. This Council refused to sit in this Chamber because the whole Bill was not sent back by His Excellency, but only portions of it. We even denied ourselves the privilege of sending amendments. The hon. the President was here then and he might recall to memory what happened then. We walked out as we had instructions from our constituencies to do so. I hope that the other side will give us credit for that just as we give them for acting according to the instructions of their constituencies. The other day it was that a number of representatives were present before His Excellency on a deputation. That shows that just at present people are learning to know what the Act is, what it contains and so on. They had not fully grasped the whole thing then.

"The arguments of the Ministerialists both yesterday and to-day come to this: Time will be lost. Money will be wasted because commissions are being asked for and suits are filed in the High Court. Suppose some one undertakes that no commission will be asked for for three months from to-day and that no more expenditure will be incurred, will the hon. the Chief Minister be satisfied and agree to postpone this Bill for three months? If they are fair, I use their own words, if they are fair to this country, if they

[Mr. P. Anjaneyulu]

[26th August 1926]

are fair to this Council, if they are fair to generations yet unborn, if they are fair to the endowments, let them agree to this. No more expenditure will be incurred. It can very easily be done if both the plaintiffs and the defendants in the High Court request their Lordships the Judges of the High Court that time might be granted for four or five months during which time no more expenditure will be incurred and no more commissions will be asked for. Supposing such an undertaking is given, is the hon. the Minister going to withdraw this and bring it only in the next Council? That seems to us to be fair and frank as this side of the House has always been. Sir, psychological moments have been many in the history of this Bill; it was at first passed by an overwhelming majority in this House and for fear that it might not be passed by the new Council, they seem to be anxious that they should rush it through while there is yet time and opportunity. It comes to that. Otherwise, there is nothing lost. It is only a bogey to say that commissions are being asked for and that endowment funds are being wasted on commissions. It is very easy for both sides that are fighting in the High Court to ask for time, and time, as I am told, has already been granted. Their Lordships are waiting to see this legislation as it emerges from this Council. Therefore, there is no fear of any money being wasted or any time being lost. If time is given, the country's mind will be exercised on this and the Bill as it emerges from the Council will not be under a cloud of suspicion. If really it is a Religious Endowments Bill, in the name of that very religion, let us not do an irreligious act.

“Now, as it is, a barrister of England or Ireland, or an advocate of Scotland may be a president over my revered Guru whom we worship as a God on earth and this is nothing less than sacrilegious in the opinion of some of my constituencies. That is a fact and there are other things.

“My hon. Friend from Godavari waxed eloquent on the question of the presence of Devadasis in the temples. That is not a question which ought to have been discussed in the Council. However, I may say that he tried to exhibit some of these unfortunate sisters not before the gods in the temples, but before the Wembley Exhibition.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“On a matter of personal explanation. It is absolutely untrue. On the other hand, when a suggestion was made by some others, I set my foot on it and condemned that practice. I have never in my life encouraged it and I hope I shall never encourage it.”

Mr. P. ANJANEYULU :—“I am very glad to be told that and if I am wrong, I am very much indebted to him for the correction. At any rate, it was never denied in those days. It appeared in the papers and being an old friend of his, though, as a Minister he might not recognize me, I followed everything that appeared in the papers in those days about him. But I am sure he did not deny it then.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“A word of personal explanation, Sir. I could not have given the lie to all those false allegations that appeared in the newspapers at that time. I was holding a place of responsibility and while it was open to others to have rushed to the press, I did not think that any Minister having responsibility should take that course of going to the press and deny them. I appeal to the Members of Government

26th August 1926] [Sir K. Venkataraddi Nayudu]

to refer to the documents wherein they will find my severest condemnation of any suggestion that was made to send those unfortunate people to Wembley.

"As for forgetting my hon. Friend, Sir, even though he is accusing me here."

The hon. the PRESIDENT:—"That is not a matter of personal explanation." (Laughter.)

Mr. P. ANJANEYULU:—"I am glad. No appeal need be made to hon. Members on the Treasury bench. There is the hon. Gentleman himself saying that he opposed the idea and I accept it. I am glad to be corrected. It was only the Raja of Parlakimedi, who with some Members of the Government thought it may be done at somebody's expense, the Government only encouraging it and took care to see that some were sent. That is another matter."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I had nothing to do with the offer or the undertaking of the Raja of Parlakimedi. As matters have gone so far, I assure my hon. Friend that the offer was not made to me nor accepted by me. I had nothing to do with it."

Mr. P. ANJANEYULU:—"I am not very much interested in pursuing that matter further than to draw the attention of the Council to this one thing, viz., that the Devadasis are now recognizing their position in life and seeing what an unfortunate position they have come to they are unwilling to lead that life. And associations are being formed and memorials are being sent."

* The hon. the RAJA OF PANAGAL:—"May I know what the Devadasis have to do with the Endowments Bill being referred to a Select Committee?"

3-45
p.m.

Mr. P. ANJANEYULU:—"I have not finished my sentence, Sir. What I was saying was that those who are interested in this matter should be heard and that their consideration should be taken into account. That is the point I am urging. Dancing girls are unwilling to go to temples and serve on occasions, to dance and sing there. There are a number of associations; conferences have been convened and resolutions have been passed. I dare say that copies of those resolutions passed in these conferences have already been submitted to the hon. the Chief Minister and if he has not already received them, perhaps they will be on their way. Again, Sir, we want that a large number of the trustees should be called on to give their evidence in respect of this measure. We have to go in detail into this part of the Bill because it forms a large portion of it. They have got a number of suits and in some suits they have succeeded and in some they have lost. So the position of the trustees has to be determined. Nothing is said about their position in the Bill. The archakas who were given lands and whose lands are being taken away from their possession say that their rights are being invaded. So there is a wholesome fear that their rights are being interfered with. Their position has to be examined. It is rather an irony of fate that the hon. the Raja of Panagal belonging to a distinguished aristocratic family should be considered to be interfering with the rights of families to whom were given lands in the name of God and which they have been keeping in the name of God for a very, very long time, and enjoying whatever remains in the income from such lands after making Doopa, Deepa and Nivedya.

[Mr. P. Anjaneyulu]

[26th August 1926]

The yield in those days from lands was very small but it might have increased a little more just at present, but they have to pay Government kist. They might have also expended a lot of money on waste lands, dry lands, in order to bring them under wet cultivation."

The hon. the PRESIDENT:—"Is it intended to show that the interest of these communities should be defined and safeguarded in the Select Committee by amendments?"

Mr. P. ANJANEYULU:—"Not merely by amendments. What I say is that all these things may be disposed of at more leisure in the Select Committee and their opinions may be taken in the meantime. I am only saying that these are all vested interests, interests which have been vested for thousands and thousands of years, and which, according to them, have been invaded. I say their fears will have to be allayed and their cases will have to be taken into consideration. It is not a question of obstructing the passing of this Bill. Surely, the representatives of maths and mathadhipatis are watching the proceedings sitting over those galleries."

The hon. the PRESIDENT:—"Reference to person in the galleries is entirely out of order."

Mr. P. ANJANEYULU:—"Some of them have sent their representatives and they are sitting there. I have already explained that mathadhipatis cannot be dissociated from maths. There is no math without a mathadhipati and there is no mathadhipati without a math. The two are inseparable. But the Act says that a math is different from a mathadhipati. We are not obstructing the whole thing. Of course, it is true that you are not going to convert a Vaishnavite temple into a Saivite temple and vice versa. But a Saivite Commissioner may preside over the destinies of a Vaishnavite temple which is stoutly resented by a certain section of the people. The math which is an institution peculiar to this Presidency may devote all the income from its properties to matters of religion."

The hon. the PRESIDENT:—"I am afraid the hon. Member is speaking on the general principles of the Bill."

Mr. P. ANJANEYULU:—"I only very generally refer to these things. I am referring to some important interests which are intimately involved in connexion with this discussion. Therefore it becomes absolutely necessary for me to refer to them before the hon. the Chief Minister can request the hon. the President to deny the rights of ordinary procedure. . . ."

The hon. the PRESIDENT:—"We are now on the question of referring the Bill to a Select Committee. I wish the hon. Member would refrain from referring to other extraneous matters."

Mr. P. ANJANEYULU:—"Sir, within the very little time that is granted to us for speaking, it is rather difficult not to refer to matters not exactly connected with the matter under discussion. There are many interests involved in this Bill and it becomes absolutely necessary that the Bill should go through all the stages in the normal ways possible. The only argument which was advanced on the other side was that it would involve an expenditure which I may say could be avoided by an understanding between both sides that no money might be expended for three or four months. In these circumstances, I appeal to the other side of the House not to support the motion that the Bill be not referred to a Select Committee."

26th August 1926]

Mr. J. D. SAMUEL :—"I move that the question be now put."

The motion for closure was put and declared carried.

A poll was taken and the House divided as follows :—

Ayes.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 30. Honorary Lieutenant Madurai. |
| 2. " Khan Bahadur Muhammad Usman Sabib Bahadur. | 31. Mr. T. Mallesappa. |
| 3. " Mr. T. E. Moir. | 32. " P. N. Marthandam Pillai. |
| 4. " Mr. A. Y. G. Campbell. | 33. Rao Bahadur B. Muniswami Nayudu. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 34. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 35. Mr. C. Muttayya Mudaliyar. |
| 7. " the Raja of Panagal. | 36. " B. Obalesappa. |
| 8. Mr. V. R. Venkatarama Sastriyar. | 37. " K. S. Ponnuswami Pillai. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 38. " G. Premayya. |
| 10. Mr. G. T. Boag. | 39. " K. Raghuchandra Ballal. |
| 11. " V. Pandrang Row. | 40. " P. Sagaram. |
| 12. " C. B. Cotterell. | 41. " D. Manjappa Heggade. |
| 13. " P. Venkataramana Rao Nayudu. | 42. Diwan Bahadur P. Kesava Pillai. |
| 14. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 43. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 15. Mr. S. Arpudaswami Udayar. | 44. Dr. P. Subbarayan. |
| 16. " K. Prabhakaran Tampan. | 45. Diwan Bahadur M. Krishnan Nayar. |
| 17. " J. A. Davis. | 46. Mr. P. T. Rajan. |
| 18. " H. B. Ari Gowder. | 47. Rao Bahadur P. Raman. |
| 19. Rai Bahadur Sir K. Venkatreddi Nayudu. | 48. Mr. J. D. Samuel. |
| 20. Rao Bahadur C. Natesa Mudaliyar. | 49. " K. Sarvarayudu. |
| 21. Mr. A. V. Bhanoji Rao. | 50. Rao Sahib R. Srinivasan. |
| 22. " N. Devendrudu. | 51. Mr. K. Sitarama Reddi. |
| 23. " A. Ramaswami Mudaliyar. | 52. " R. Veerian. |
| 24. Diwan Bahadur P. C. Ethirajulu Nayudu. | 53. " K. Venkatachala Padayachi. |
| 25. Rao Sahib P. V. Gopalan. | 54. Rao Bahadur P. K. A. Ct. Virappa Chettiyar. |
| 26. Rao Bahadur K. Krishnaswami Nayudu. | 55. Mr. B. Ramachandra Reddi. |
| 27. Mr. J. Kappaswami. | 56. " Muhammad Haji Abdulla Haji Kasim Sahib. |
| 28. The Zamindar of Mandasa. | 57. Mr. T. M. Moidu Sahib. |
| 29. Mr. R. Madanagopal Nayudu. | 58. " Khadir Mohidin Sahib. |

Noes.

- | | |
|---|--|
| 1. Mr. V. Madhava Raja. | 16. Mr. P. Anjaneyulu. |
| 2. Rao Bahadur C. V. S. Narasimha Raju. | 17. " Muhammad Meera Sahib. |
| 3. " J. A. Saldanha. | 18. " V. P. N. Ayyar. |
| 4. Mr. A. Ranganatha Mudaliyar. | 19. " G. Rameswara Rao. |
| 5. Sriman Biewanath Des Mahasayo. | 20. " Chavadi K. Subrahmanya Pillai. |
| 6. Mr. A. Chidambaram Nadar. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. " M. Gangaraju. | 22. Raj Bahadur T. M. Narasimha Chari. |
| 8. " C. G. Pala Menon. | 23. Sriman Saibhushan Nath Mahasayo. |
| 9. " K. K. Reddi. | 24. Mr. Sami Venkatachalam Chetti. |
| 10. " S. Muttayya Mudaliyar. | 25. " R. Srinivasa Ayyangar. |
| 11. " P. Peddiraju. | 26. " L. K. Tulasingam. |
| 12. " M. Sitayya. | 27. " K. Uppi Sahib. |
| 13. " P. C. Venkatarama Raju. | 28. " C. V. Venkataramana Ayyangar. |
| 14. " S. Satyamurti. | 29. " C. Venkatarangam Nayudu. |
| 15. " T. Anjanayana Chettiyar. | |

Ayes 58. Noes 29.

The motion for closure was carried.

The motion that the Bill be referred to a Select Committee was then put to the House and declared lost.

[26th August 1926]

A poll was taken and the House divided as follows :—

4 p.m.

Ayes.

- | | |
|---|--|
| 1. Mr. K. Prabhakaran Tampan. | 18. Mr. P. Anjaneyulu. |
| 2. „ V. Madhava Raja. | 19. „ Muhammad Meera Sahib. |
| 3. „ D. Manjappa Heggade. | 20. „ V. Pantulu Ayyar. |
| 4. Rao Bahadur C. V. S. Narasimha Raju. | 21. „ G. Rameswara Rao. |
| 5. Mr. J. A. Saldanha. | 22. „ S. R. Y. Ankinedu Prasad. |
| 6. „ A. Ranganatha Mudaliyar. | 23. „ Chavadi K. Subrahmanya Pillai. |
| 7. Sriman Biswanath Das Mahasayo. | 24. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 8. Mr. A. Chidambara Nadar. | 25. Rai Bahadur T. M. Narasimhacharlu. |
| 9. „ M. Gangaraju. | 26. Sriman. Sasibhushan Rath Mahasayo. |
| 10. „ C. Gopala Menon. | 27. Mr. Sami Venkatachalam Chetti. |
| 11. „ K. Koti Reddi. | 28. „ R. Srinivasa Ayyangar. |
| 12. „ S. Muttayya Mudaliyar. | 29. „ L. K. Tulasiram. |
| 13. „ P. Peidireju. | 30. „ K. Uppi Sahib. |
| 14. „ M. Sitayya. | 31. „ C. V. Venkataramana Ayyangar. |
| 15. „ P. C. Venkatapati Raju. | 32. „ B. Venkataratnam. |
| 16. „ S. Satyamurti. | 33. „ C. Venkatarangam Nayudu. |
| 17. „ T. Adinarayana Chettiyar. | |

Noes.

- | | |
|---|--|
| 1. The hon. Mr. N. E. Marjoribanks. | 28. The Zamindar of Mandasa. |
| 2. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 29. Mr. R. Madanagopal Nayudu. |
| 3. „ Mr. T. E. Moir. | 30. Honorary Lieutenant Madurai. |
| 4. „ Mr. A. Y. G. Campbell. | 31. Mr. T. Mallesappa. |
| 5. „ Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 32. „ P. N. Marthandam Pillai. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 33. Rao Bahadur B. Muniswami Nayudu. |
| 7. „ the Raja of Panagal. | 34. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 35. Mr. C. Muttayya Mudaliyar. |
| 9. Rao Bahadur V. L. Krishnama Achariyar. | 36. „ B. Obalesappa. |
| 10. Mr. G. T. Boag. | 37. „ K. S. Ponnuswami Pillai. |
| 11. „ V. Pandrang Row. | 38. „ G. Premayya. |
| 12. „ C. B. Cotterell. | 39. „ P. Sagaram. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 40. Diwan Bahadur P. Kesava Pillai. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 41. „ M. Krishnan Nayar. |
| 15. Khan Bahadur Abdulla Ghatata Sahib. | 42. Mr. P. T. Rajan. |
| 16. Mr. S. Arpudaswami Udayar. | 43. Rao Bahadur P. Raman. |
| 17. „ J. A. Davis. | 44. Mr. J. D. Samuel. |
| 18. „ H. B. Ari Gowder. | 45. „ K. Sarvarayudu. |
| 19. Rai Bahadur Sir K. Venkatareddi Nayudu. | 46. Rao Sahib R. Srinivasan. |
| 20. Rao Bahadur C. Natesa Mudaliyar. | 47. Mr. K. Sitarana Reddi. |
| 21. Mr. A. V. Bhanoji Rao. | 48. „ R. Veerian. |
| 22. „ N. Devendruda. | 49. „ K. Venkatachala Padayachi. |
| 23. „ A. Ramaswami Mudaliyar. | 50. Rao Bahadur P. K. A. Ct. Veerappa Chettiyar. |
| 24. Diwan Bahadur P. C. Ethirajulu Nayudu. | 51. Mr. B. Ramachandra Reddi. |
| 25. Rao Sahib P. V. Gopalan. | 52. „ Muhammad Haji Abdulla Sahib. |
| 26. Rao Bahadur K. Krishnaswami Nayudu. | 53. „ T. M. Moidu Sahib. |
| 27. Mr. J. Kuppu-swami. | 54. „ Qadir Muhi-ud-din Sahib. |

Ayes 33. Noes 54.

The motion was lost.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ Sir, I now move
‘ that the further consideration of the Bill be adjourned till Tuesday next ’.”

* Mr. S. SATYAMURTI :—“ Why? ”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ Because hon. Members expressed a desire to that effect. (Voices : ‘ No, no ’.) If hon. Members do not want it, I have not the slightest objection.”

26th August 1926]

* Mr. S. SATYAMURTI :—" Then the hon. Member need not appeal to the whole House, he may appeal to his party."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I move that the further consideration of this question be postponed till Tuesday next."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The hon. the PRESIDENT :—" Does the hon. Member want to postpone the consideration of the question that the Bill be taken into consideration?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Even that may be postponed and taken up on Tuesday. There has been no closure motion on this motion. Many of us want to speak on that motion. The postponement motion of Sir K. V. Reddi Nayudu is perfectly in order now. It has been moved and seconded. We will adjourn at this stage and take the further consideration of the motion that the Bill be taken into consideration, on Tuesday."

* The hon. the RAJA OF PANAGAL :—" That presumes that the motion that the Bill be taken up for consideration is accepted by the House."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" No, no. Only the discussion on the question is postponed. The motion may be withdrawn or lost afterwards."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Sir, when the last vote was taken, I was under the impression that the question that the Bill be taken into consideration was settled. It is only on that impression that I moved this adjournment motion. If you think that I was wrong I am perfectly ready and willing to make it afterwards. I was purely under a misapprehension."

The hon. the PRESIDENT :—" I am not called upon to decide whether it is right or not. It is for the hon. Member to do so. The motion that the further consideration of a question may be postponed may be moved by any hon. Member."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Then, I shall withdraw the motion for the present."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Are we playing, Sir?" (Cries of, 'Yes, playing; Order, order.')

* The hon. the PRESIDENT :—" Has the hon. Member the leave of the House to withdraw the motion? (After a pause.) The motion is by leave withdrawn."

* The hon. the RAJA OF PANAGAL :—" Sir, I now move
'that the consideration of the Bill be taken up.'"

The hon. the PRESIDENT :—" That has been moved already."

* Mr. S. SATYAMURTI :—" There has been no closure on that motion, Sir, and may I speak on it."

The hon. the PRESIDENT :—" Yes."

* Mr. S. SATYAMURTI :—" Sir, the present motion . . ."

The hon. Rao Bahadur Sir A. P. PATRO :—" Sir, there was first a motion and on that an amendment, and the discussion was closed. (Several voices : 'On the amendment.') First the amendment was put to vote and then the original proposition should be put to vote."

[26th August 1926]

The hon. the PRESIDENT:—"The closure motion referred only to the motion made by the hon. Member Mr. Narasimha Raju."

* Mr. S. SATYAMURTI:—"The motion made by the Chief Minister that the Bill be taken up for consideration comes under our Standing Orders relating to the exceptional powers vested in you, which you have exercised this morning and which enables him now to say that the Bill be taken up for consideration. The vote of this House just a few minutes ago to the effect that the Bill be not referred to a Select Committee makes it incumbent upon me now to point out to this House what the exact scope of this motion is. I may say at once that this House has taken upon itself a very serious responsibility of discussing this Bill clause by clause on the floor of this House without any reference to a Select Committee. It ought to be open to the House to give reasons as to why this Bill should be considered at this stage. A great deal of eloquence characteristic of my hon. Friend below the gangway, the hon. Member for Chingleput, who always excels in making the worse appear the better, was wasted upon showing that this Bill is merely a formal Bill, a kind of validating Bill, although it was not formally so for reasons which he stated. They are re-enacting the Bill only in form. I do not happen to be in the confidence of the hon. the Chief Minister or of the Madras Government; but I should like to have some information if the Opposition is entitled to legal advice from the Advocate-General—he is not a paid counsel only of the Government, he is here to assist the Council—as to whether or not this Government originally wanted a validating Bill with only two clauses, viz.,

'Be it enacted that the Madras Hindu Religious Endowments Act, 1923, be declared to be valid in spite of the objections, etc., raised—'

"And whether it was not the Government of India which turned that proposal down and pointed out to this efficient local Government that they had no power to pass any such Act validating an Act of that kind, and that it was open only to the British Parliament to validate certain things done under the Act, and therefore advised them to re-enact the Bill. What fell from your lips, Mr. President, when you were pleased to suspend the operation of the Standing Order lends also colour to the view. You were pleased to observe that this Act has been before the country and the Council for two years and therefore you felt strengthened in suspending the Standing Order. I do not of course question your ruling. But I refer to the consciousness which seems to prevail in several quarters of this House including yourself that because this Bill is said to be a re-enacting Bill, to that extent, the privileges of this House can be curtailed. I join issue, not with you, but with that section of the House which believes that it is re-enacting the Bill while it is preventing us from dealing with it clause by clause. My hon. Friend let fall the phrase, 'through its several stages'. But all the several stages are passed over by means of blocking motions which prevent us from speaking on the different aspects of the Bill. This is not going through the several stages of the Bill. I hope the Governor of Madras and the Government of India will take note of this and understand that while the Ministerial Party is conforming formally with the requirements of the Government of India and the Government of Madras to re-enact this Bill, they are using their tyrannical majority strength to stifle discussion at each stage and then to go and tell the Governor and the Government of India, 'we have re-enacted this

26th August 1926]

[Mr. S. Satyamurti].

Bill'. I hope the authorities will realize the farce that it is played here in passing this Bill through its several stages. Throughout, it has been said, 'This is a re-enacting Bill, do not apply your brains to it, merely say, "Yes or No."', I therefore suggest that we are not really passing this Bill through its several stages; we are really marking time so long as the Ministerialist Party feels itself bound to go on with this process. We were told by the hon. the Chief Minister and by his lieutenant the hon. Member for Chingleput that they were determined to have this Bill through the Council at this sitting. Others are not so determined. Yesterday you were pleased to rule me out of order, when I impliedly anticipated that you might suspend the Standing Order and I gladly accepted the correction. You were entitled to do so. May I ask in all humility with what authority and seeming knowledge they stated that they were going to pass the Bill at this sitting which amounts to anticipating the fact that you are going to suspend the Standing Orders twice, once in accepting the amendments without the ten day's notice and secondly allowing the third reading of an amended Bill without the lapse of three days as provided in the Standing Order? I submit, Sir, that they ought not to presume or anticipate what you may or may not do. I suggest, Sir, that the continual assumption that this House is going to agree to the passing through all the stages of the Bill is based not only on the strength of the majority, but also on the anticipation of your decision, which I strongly deprecate. We were told by the hon. Member for Chingleput that we were opposing all motions and that we were indulging in blocking motions. I am not afraid of the phrase. It is the duty of the Opposition to oppose. It is not the duty of the Opposition to help my hon. Friend. If it should chance that he and I change places, I trust he will as a member of the Opposition discharge his duty not as he likes us to do but as he would like himself to do it. Let us not imagine that it is the duty of the Opposition to co-operate with the Ministry throughout in carrying out this measure and stifling discussion. The hon. Member for Chingleput made an elaborate calculation and said that there were three months before the general election.

"The Government also knew the difficulties in the way. Why did they not bring this Bill before? They have made their bed, and they must sleep on it. There is no other course. They come to this House and say 'We have taken our own time. We come to you at the last moment and for our laches this Council shall stand deprived of all its normal rights and privileges of discussion on a Bill of this kind.'

"Then, Sir, we were told that this Bill introduces only very small changes, and therefore, it can be disposed of at once. I do not know what the connotation of the word 'small' is in my hon. Friend's dictionary, but may I suggest that the new provision with regard to schemes already settled or deemed to be settled under this Act is a very glaring departure from the earlier Act? I would ask the experts to deny it. Is it not an important matter which has got to be discussed carefully before we rush this Bill through at this stage? Then with regard to the jurisdiction of law courts over all these matters, there have been very important changes introduced in the new Bill. Is not that a matter to be considered carefully? Moreover, section 7 is a very curiously worded section, which validates all defects and remedies all things, but may I suggest that, to my knowledge, for the first time in

[Mr. S. Satyamurti]

[26th August 1926]

the Madras Legislative Council we are asked to validate all acts and things done, to validate the proceedings taken, to guarantee remedies under an Act, whose validity is doubtful, whose authority has been questioned in courts, and whose soundness has not been pronounced upon by any court of law?

"These are some of the important matters on which the Select Committee would have done well to ponder. But the hon. Member says 'Let us proceed with the Bill.' The hon. the Chief Minister's heart bled when he thought of costly and wasteful litigation, but may I suggest to him, and I would ask him to consult my expert friends here, the hon. Mr. T. R. Venkatarama Sastriyar and Mr. P. Venkataramana Rao, as to whether a hastily drafted Act, a word here, a phrase here, a definite article there, and a conjunction there have not given rise to costly and wasteful litigation? Are we going to have this Bill, which affects vested interests, which establishes new laws, which alters vested rights, creates new rights, rushed through at break-neck speed, when you talk of preventing or at least checking litigation? Are not the words of the Bill to be carefully considered and has our experience of legislation in this province been so pleasant that we should rush through it? Why should you not examine this Act carefully? Why not examine its wording carefully?"

"Mr. President, let us not forget we are here first and foremost to legislate. Legislation is our most prime duty and yet, on a legislation of first-class importance my hon. Friend interjected my hon. Friend Mr. C. V. Venkataramana Ayyangar, and said that we were playing. Yes, we are playing! But, may I suggest to him in all humility that I cannot help saying that when the majority party goes on legislating at break-neck speed, they are playing with their powers of legislation? They do not know what they are doing. They find a new toy, and like children, must needs play with it, even if it burns their fingers. They will not hesitate; they will not think; no, they will not even pause. But, I would suggest to this House, that we must evolve certain legislative formalities, certain legislative procedure, which must be consistent with the dignity and the privileges of this House.

"Mr. President, I should like to submit to you in all humility that even in the Mother of Parliaments, there is no procedure analogous to this whatever. There is no question of any Bill coming for the third reading except after reference to a select committee, or at least to a standing committee. Had I time, I would read from May's 'Parliamentary Practice' and satisfy this House that this procedure, impliedly contemplated in our Standing Orders, is a procedure not sanctioned by the usage of the Mother of Parliaments. And, secondly, Sir,—I think I am right, I speak subject to correction,—even in Indian legislatures, no Bill of a controversial nature, no Bill of such a large scope as the Madras Hindu Religious Endowments Bill has been passed without reference to a Select Committee. There have been some non-contentious Bills which have been taken through the several stages at one sitting. But this is the first time in the Madras Legislative Council when a measure of first-class importance, with nearly a hundred clauses, with nearly two or three hundred amendments is being introduced, and we are asked to consider this Bill without being given time for considering it.

"There is a last point on which I should like just to say a word or two before resuming my seat. Assuming this motion is passed, that the Bill be

26th August 1926]

[Mr. S. Satyamurti]

taken into consideration at once, what follows? What is the position with regard to those who want to give notice of amendments? My hon. Friend below the gangway, Sir K. Venkta-reddi Nayudu, has made a generous offer: 'We shall adjourn it to Tuesday next.' We shall sit to-morrow, Sir, considering other business; sit on Saturday doing other business; Sunday and Monday are public holidays and on Tuesday we shall take this Bill. Speaking for myself and for others who have talked over this matter, we shall be walking into the parlour of the hon. the Chief Minister if we accept this adjournment. It is a camouflage to impress the outside public and the Government of India that we have been given time enough to consider this Bill. I suggest that we cannot have time enough because, Mr. President, until this morning you did not suspend the Standing Order. We had every right to presume that you might not suspend the Standing Order. Therefore, if you had not, this Bill would have come up some fifteen days later from now. But it has not been so; that was, of course, your right and you have exercised it.

"The hon. the Chief Minister said 'I am willing to give five days.' I may submit, Sir, that it was open to you when you suspended the Standing Order to have directed the Bill to be taken up five days later."

* The hon. the PRESIDENT:—"The intention of the Standing Order is that the Bill may at the discretion of the President be taken up before the expiry of fifteen days."

* Mr. S. SATYAMURTI:—"That is for you to direct, Sir.

'Provided the President may, in his discretion, suspend this Standing Order and allow the motion to be made at once or before the expiration of fifteen clear days.'

"That is the Standing Order. You have the power. Had you done it, of course, you would have been free from all partisan bias. It would have been your discretion, and we would have been obliged to accept it cheerfully and make the best of it. The hon. the Chief Minister has not even asked you to take up the Bill ten days from now or five days from now. We keep our eyes and ears open. We cannot forget these things. After that stage has passed, the Ministerial party says 'We will give you five days.' No, thanks. It means you are making a pretence of giving time, when you are not really giving time. There is no time, and I would earnestly beg of the hon. Members of this House that they shall not walk into the parlour of the Chief Minister and play his game of making it appear to the public and the Government that they were fair when they have not been fair. They want to use their power like a giant. Let them do so. If this Bill is carried in spite of us, we will take it like sportsmen. But we are not going to allow you to make a pretence of having given us time."

"I ask this House to consider and pause, before they agree to this extraordinary procedure of considering this Bill which they have not had time to consider. It is possible to do anything by votes, except making a man a woman, and a woman a man. But in the name of the millions for whom you are legislating, whose interests you are supposed to safeguard, whose rights you are supposed to guarantee, I appeal to this House not to accept this motion, which is a negation of every right of free speech, of free debate and of honourable legislation and free expression of the views of the party in opposition."

[26th August 1926]

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, we have been told that we are using the strength of the majority of this House, tyrannising over the minority, that we are oppressing them. We are told we are stifling free speech, stifling public opinion and we are told we are trampling down the principle of the protection of the minorities. Sir, it was our unfortunate experience in this land of not finding any oppression of the minorities by the majorities but the oppression of the majorities by the minority. It has been the long curse of this country, a long, long existing curse, about which we have not complained."

* Mr. S. SATYAMURTI :—" Order, order. I did not refer to any oppression of the minorities by a majority. I would request the hon. Member not to return to the too familiar controversy of Brahman and non-Brahman."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Like some well-known character in one of Dickens' novels, the head of Charles will always appear before him. If the Brahman and non-Brahman question is appearing before my hon. friend, it is not my fault. I was only referring to a point that has been raised by my esteemed friend, the Member for the University of Madras, that we, on this side of the House, have never been accustomed to the oppression of the minorities by the majority, but our experience has been the other way."

"Let us see if the word 'farce' is applicable to that side or this side. An offer has been made in consequence of the numerous complaints made that time was not sufficient, and, when an offer has been made of adjournment for four or five days, that has been rejected. Now, Sir, I earnestly ask this House to seriously consider whether the position of the opposition is not one of obstruction, a device invented solely for the purpose of putting off this Bill, for gaining time by referring it to a select committee. Why then ask for time? Why then ask for the publication of the report of the committee? Why ask for its publication in the vernaculars, while there is the country against it? Is it not a farce, I ask? If it be their honest intention that this Council should not decide upon this Bill, why not honestly and frankly say 'We do not want that this Council should pass this Bill'?"

VOICES :—" We have said so."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" You have not said that. You are now trying to circumvent by some means; you are going round and round: you want by some device to get it done. Is it not due to this House, for its loyalty and allegiance, that Members of this House should abide by the majority. Complaints have been made about the wickedness of majorities. Democracies, I suppose, legislative institution and parliaments will have to be guided by majorities. I do not suppose it needs any defence from me, nor need I quote Blackstone for the purpose of showing that the majorities are nearer the will of the total population than the minorities."

"When the majority have come to a conclusion in a particular manner that this Bill has got to be passed in this Council, you are now putting forward this plea in some way to gain time. If not, why reject the offer of five days' time? If you are really earnest, if you are serious, if you really want to take time for the purpose of considering the various provisions of the Bill, if some of the hon. Members are new to this Bill and therefore they require time for the consideration of the Bill,

A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS 209
ACT, 1923

26th August 1926] [Sir K. Venkatarreddi Nayudu]

for the study of the Bill and for formulating their own amendments of the Bill, why refuse this offer of time, I ask? In all honesty, are you really asking for time or are you really putting obstacles to the passage of this Bill? That one circumstance ought to convince this House that the sole object, the only object and the real object of this motion objecting to the further consideration of the Bill is nothing more than what I have stated. This House has on two successive occasions yesterday and to-day declared in unmistakable terms its will to go on with this Bill by a division vote. Now it has been said that this offer of time was intended”

The hon. the PRESIDENT :—“ The question before the House is that the Bill be taken into consideration. The hon. Member will kindly confine himself to it. ”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ I am coming to it. My remark regarding the offer of time made is relevant to the motion before the House in this sense. One side says that the Bill should be taken for consideration at once. The other side says that it should not be taken up. They tell us they had no time. We say we have offered time and they put an interpellation”

* Mr. S. MUTTAYYA MUDALIYAR :—“ On a point of order, Sir. May I know who made the offer? The hon. the Minister in moving that the Bill be taken into consideration offered to give us five days. ”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ I do not know if the hon. Member is short of hearing. The hon. the Leader of the Opposition has stated in this House and the hon. Member for the University of Madras has stated that the offer came from the hon. the Chief Minister but that he did not put it in the form of a motion. I think that ought to suffice. Is there any doubt about the matter? ”

“ I have one point to submit and it is this. This offer was not made in any spirit of caprice. It was honestly meant to give time if really they were prepared to study the Bill. But we are told that we wanted to show to the Government of India and to the country that we were appearing to be fair in giving time, and that it was meant more or less for the purpose of deceiving the people. I ask whether it is not the motive of the other side to explain to the country why they refused the offer. We honestly believe that they want to gain nothing by time. If they are not prepared with their amendments, I think that the time that is offered will suffice for that purpose. The Bill may be taken up for consideration now. ”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, I am afraid that the discussion on this Bill is drifting far from relevant questions, and we are considering questions which have no proper place in this Bill. It is unfortunate that while discussing the previous motion for referring the Bill to a Select Committee—the rejection of which has led to the opposition to the present motion—different views have been expressed as to whether it was a blocking motion. It is also unfortunate that the closure having been applied, some hon. Members on this side of the House who were prepared to give expression to their feeling that the Bill should be considered by the Select Committee had no opportunity of doing so. The hon. Member from Chingleput himself considered that the question of reference to the Select Committee was a simple and reasonable one. On account of the fear

[Mr. A. S. Krishna Rao Pantulu] [26th August 1926]

that it may tend to delay the passage of the Bill in this Council, he would not give assent to it. If we consider the various provisions, the standing orders and the power given to you to suspend the operation of Standing Order 44 (1), even after the publication of the report of the Select Committee it would have been possible to devise a means by which effect could be given to the intentions of this House to make a reference to the Select Committee. Not having done that, I feel we cannot assent to this question of taking the Bill into consideration at once. One main question for consideration is whether it is a mere formal measure. The hon. the Chief Minister has told us—and it is on that ground that he intends to ask you to suspend the Standing Order—that it is a case of re-enacting a measure and that it should be deemed as a formal measure. The main arguments advanced are that the Bill has been before the House for a sufficiently long period, that it is merely intended to re-enact the existing measure and that it need not go through all the formalities. May I draw the attention of the House to the fact that soon after the first Session of this Council, notice of a motion was given by the hon. Member Mr. Venkatachalam Chetti that a message be delivered to His Excellency the Governor to withhold his assent to the Religious Endowments Bill on the ground that it was against the opinion of the country? What took place then? Notice of motions was given in alternative forms suggesting expressly that His Excellency the Governor might take into account the feeling in the country about the Endowments Bill and withhold his assent. While dealing with those motions, your predecessor in office gave his ruling against the admissibility of those motions pointing out at that time that the more legitimate course was for the new Council to bring in an amending or repealing Bill than to invoke the help of His Excellency the Governor for the purpose of withholding his assent to the Bill. It would show that soon after this Council began its work there was a strong feeling in the House to ascertain the views of the people regarding the Religious Endowments Bill passed into law just at the close of the previous Council. Those motions were not allowed to be moved; it was on the ground that a more reasonable course was to bring an amending Bill. Owing to various causes at work which are already before the House, it has been necessary to bring forward this Bill to re-enact all the provisions of the Bill that has already been passed. If this Council had, at its very first sitting, thought it necessary to ascertain the sense of the Council and the country regarding the reasonableness or the validity of the provisions of the Bill and if the suggestion was made that the Bill be modified by the Council, it might be considered. Is it or is it not necessary for those who do not see eye to eye with the sponsors of the measure, to take full advantage of the opportunity and point out the defects even if they agree with the main principles? We ask whether the mere fact that it is a re-enacting measure can lead to the conclusion that it is a formal measure. We must consider all the facts before we can call it a formal measure. If it is not a formal measure—as I contend it is not—it is open to the Council to ask whether full opportunity should not be given to go through the various stages of the Bill.

* Mr. A. RAMASWAMI MUDALIYAR :—“ A point of order, Sir. I hear the same set of arguments advanced by some hon. Member or by the same set of Members and sometimes at the same stage of the Bill.”

26th August 1926]

The hon. the PRESIDENT :—"I must ask hon. Members not to repeat either their own arguments in former debates or the arguments of other hon. Members in the same debate."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am giving my reasons for opposing this motion. If the previous motion had been accepted, it would not have been necessary to oppose this motion. What is the result of this motion being carried. I would draw your attention to Standing Order No. 45 that 'when a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill.' Then sub-clause (1) of Standing Order 46 says :

'If notice of a proposed amendment has not been sent to the Secretary six clear days before the sitting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail unless the President in the exercise of his power to suspend this order, allows the amendment to be moved.'

"Then sub-clause (2) runs as follows :

'The Secretary shall cause every notice of a proposed amendment to be printed, and a copy shall be made available for the use of each member.'

"Sub-clause (3) says :

'if any member is unacquainted with English, the Secretary shall also, if the President so directs, cause every such notice to be translated into a vernacular language for his use.'

"Till you gave your ruling suspending the Standing Order and allowed the motion for consideration to be made at once, no one would have anticipated that he should give notice of amendments. It is perfectly legitimate for persons—there are already 200 or 300 amendments—to give notice of amendments. Suppose, taking advantage of the Standing Order notices were given by hon. Members of amendments to this Bill. What follows? Under Standing Order 46, unless the President in the exercise of his power to suspend the Standing Order allows the amendment to be moved, there will be no chance to these persons who could not have anticipated the suspension of the Standing Order to move them. It may be that in the exercise of your power, you will suspend the Standing Order; that is a different matter altogether. It may be that the President would not suspend the Standing Order. It follows that without knowing whether the President would or would not suspend Standing Order No. 39, some hon. Members would not have given notice of amendments. We have arrived at the stage that the Bill be taken into consideration and persons would lose the opportunity of moving amendments unless in the exercise of your power, you suspend the Standing Order. I submit, Sir, that it is not desirable to come to a stage when hon. Members should, after the passing of this motion, rely upon the discretion and favour of the hon. the President for any amendment to be moved. It is not a desirable state of things. I do not want to anticipate your ruling. No one in this House, when he cannot by the procedure which is adopted be at liberty to bring in amendments, will be entitled to move them unless you suspend the Standing Order. That is the stage at which we would arrive if the motion is passed in the House. Taking into consideration the fact that it is not a mere formal measure but one of vital importance, and taking into consideration the effect of the ruling that would be given, there will not be proper opportunity for persons who are interested in moving amendments to the various provisions in the Bill to do so. I therefore think that it is not reasonable that this motion should be accepted by the House."

[26th August 1926]

Diwan Bahadur O. TANIKACHALAM CHETTIYAR :—" I beg to move for a closure."

* Mr. S. SATYAMURTI :—" In considering this question, you will have to exercise your judgment."

The hon. the PRESIDENT :—" I always do so."

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, I beg to move

' that the further consideration of this subject be adjourned to a fortnight from this date.'

" My reasons are these : No doubt, an offer, almost a final offer, has been made by the hon. Member Sir Venkatareddi Nayudu for adjourning the discussion of this subject for five days. I submit that a period of five days is too short for the consideration of this subject. Sir, being a new Member, I cannot go through the large amount of discussion that took place in the last Council. It is not possible for me even if I could possibly devote all my time to this subject"

Mr. R. MADANAGOPAL NAYUDU :—" Is the hon. Member in order after the motion for closure has been moved."

The hon. the PRESIDENT :—" It was not agreed to."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I submit that this motion may be moved after the motion before the House is put. I myself want to bring it after this motion is carried. It would come more properly after the House decides on the question whether this Council should proceed with the Bill or not. I am putting forward this point for your consideration."

The hon. the PRESIDENT :—" Any hon. Member can move an adjournment at any stage."

Mr. SAMI VENKATACHALAM CHETTI :—" The amendment could have been moved more conveniently by the party in power. It is quite proper for it to move it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am not objecting to his moving it. Assuming for a moment that the House is not prepared to proceed with the Bill, there is no object in moving this adjournment motion now."

Mr. SAMI VENKATACHALAM CHETTI :—" I have been too long in this Council to hope against this result. Sir, five days are too short a period, at any rate, for new members like me to digest the various important provisions of this Act. During the next two days we will be engaged with the Irrigation Bill and after these two days there are two public holidays. I am afraid there can be no time to study this question. I therefore request, Sir, that the House will concede this concession to the Opposition to adjourn the discussion of the subject for a fortnight. After all, the inconvenience will not be great. I am sure the Bill will be passed, all the same. After all, it does not much matter, if it is passed now or ten days hence. You will be giving a fair opportunity for the Members if some time is given. This will perhaps be the least that the party in power can give us."

26th August 1926]

Mr. P. ANJANEYULU:—"We have to attend the meeting of the Andhra University Senate on Monday. Thus, five days means that we shall have to start here on Saturday and reach there on Sunday, and after attending the function on Monday we have to start again on that day and run back to Madras. Thus, there will be hardly time even supposing we take it into our heads to read the Bill even in the train. Therefore, I second the proposition for adjournment for 15 days."

The hon. the PRESIDENT:—"It has been moved that the further discussion of the Bill be adjourned by a fortnight from to-day."

The motion was put to the House and was declared lost.

A poll was demanded and the House divided as follows:—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 13. Mr. V. Pantulu Ayyar. |
| 2. Mr. J. A. Saldanha. | 14. " G. Rameswara Rao. |
| 3. " A. Ranganatha Mudaliyar. | 15. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 4. Sriman Biswanath Das Mahasayo. | 16. Rai Bahadur T. M. Narasimha Chariu. |
| 5. Mr. A. Chidambara Nadar. | 17. Sriman Sasibhushan Rath Mahasayo. |
| 6. " M. Gangaraju. | 18. Mr. Sami Venkatachalam Chetti. |
| 7. " K. Koti Reddi. | 19. " R. Srinivasa Ayyangar. |
| 8. " S. Muttayya Mudaliyar. | 20. " L. K. Tulasiram. |
| 9. " P. C. Venkatapati Raju. | 21. " K. Uppi Sahib. |
| 10. " S. Satyamurti. | 22. " C. V. Venkataramana Ayyangar. |
| 11. " T. Adinarayana Chettiyar. | 23. " J. Naganna Hegde. |
| 12. " P. Anjaneyulu. | |

Noes.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 26. Mr. A. Ramaswami Mudaliyar. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur | 27. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 3. " Mr. T. E. Moir. | 28. Rao Sahib P. V. Gopalan. |
| 4. " A. Y. G. Campbell. | 29. Rao Bahadur K. Krishnaswami Nayudu. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 30. Mr. J. Kuppeswami. |
| 6. " Rao Bahadur Sir A. P. Patro. | 31. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 7. " the Raja of Patagal. | 32. Diwan Bahadur O. Tanikachala Chettiyar. |
| 8. Mr. T. R. Venkatarama Sastryar. | 33. Rao Bahadur C. Natesa Mudaliyar. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 34. Mr. A. V. Bhanaji Rao. |
| 10. Mr. G. T. Boag. | 35. " N. Devendrudu. |
| 11. " V. Pandrang Row. | 36. Diwan Bahadur P. Kesava Pillai. |
| 12. " C. B. Costerell. | 37. " M. Krishnan Nayar. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 38. Mr. P. T. Rajan. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 39. Rao Bahadur P. Raman. |
| 15. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 40. Mr. J. D. Samuel. |
| 16. Mr. S. Arputaswami Udayar. | 41. " K. Sarvarayudu. |
| 17. " K. Raghunandhra Ballal. | 42. Rao Sahib R. Srinivasan. |
| 18. " P. Sagar. | 43. Mr. K. Sitarama Reddi. |
| 19. " C. Muttayya Mudaliyar. | 44. " R. Veerian. |
| 20. " K. S. Ponnuswami Pillai. | 45. " K. Venkatachala Padayachi. |
| 21. " G. Premayya. | 46. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 22. " R. Madanagopal Nayudu. | 47. T. M. Moidu Sahib Bahadur. |
| 23. " T. Malleappa. | 48. Khadir Muhi-ud-din Elyas Khan Sahib Bahadur. |
| 24. Rao Bahadur B. Muniswami Nayudu. | 49. Mr. J. A. Davis. |
| 25. Diwan Bahadur A. M. Murugappa Chettiyar. | |

Ayes 23. Noes 49.

The motion was lost.

214 A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1923

[26th August 1926]

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I move that the question be now put."

"The motion for closure was put to the House and declared carried.

The hon. the PRESIDENT:—"I now put the main motion. The question before the House is that Bill No. 5 of 1926 (revised) be taken into consideration."

The motion was put to the House and declared carried.

A poll was demanded and the House divided as follows:—

Ayes.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 27. Mr. J. Kuppaswami. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 28. The Zamindar of Mandasa. |
| 3. " Mr. T. E. Moir. | 29. Mr. R. Madanagopal Nayudu. |
| 4. " A. Y. G. Campbell. | 30. " T. Mallesappa. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 31. Rao Bahadur B. Muniswami Nayudu. |
| 6. " Rao Bahadur Sir A. P. Patro. | 32. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 7. " the Raja of Panagal. | 33. Mr. C. Muttayya Mudaliyar. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 34. " K. S. Ponnuswami Pillai. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 35. " G. Premayya. |
| 10. Mr. G. T. Boag. | 36. " K. Raghuchandra Ballal. |
| 11. " V. Pandrang Row. | 37. " P. Sagaram. |
| 12. " C. B. Cotterell. | 38. Diwan Bahadur P. Kesava Pillai. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 39. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 40. Dr. P. Subbarayan. |
| 15. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 41. Diwan Bahadur M. Krishnan Nayar. |
| 16. Mr. S. Arpudaswami Udayar. | 42. Mr. P. T. Rajan. |
| 17. " J. A. Davis. | 43. Rao Bahadur P. Raman. |
| 18. Rai Bahadur Sir K. Venkatareddi Nayudu. | 44. Mr. J. D. Samuel. |
| 19. Diwan Bahadur O. Tanikachala Chettiyar. | 45. " K. Sarvarayudu. |
| 20. Rao Bahadur C. Natesa Mudaliyar. | 46. Rao Sahib R. Srinivasan. |
| 21. Mr. A. V. Bhanoji Rao. | 47. Mr. K. Sitarama Reddiyar. |
| 22. " N. Devendrudu. | 48. " R. Veerian. |
| 23. " A. Ramaswami Mudaliyar. | 49. " K. Venkatachala Padayachi. |
| 24. Diwan Bahadur P. C. Ethirajulu Nayudu. | 50. " B. Ramachandra Reddi. |
| 25. Rao Sahib P. V. Gopalan. | 51. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 26. Rao Bahadur K. Krishnaswami Nayudu. | 52. T. M. Mouda Sahib Bahadur. |
| | 53. Khadir Mohiddin Elyas Khan Sahib Bahadur. |

Noes.

- | | |
|---|--|
| 1. Mr. K. Prabhakaran Tampan. | 14. Mr. V. Pantulu Ayyar. |
| 2. Rao Bahadur C. V. S. Nerasimha Raju. | 15. " G. Rameswara Rao. |
| 3. Mr. J. A. Saldanha. | 16. S. R. Y. Ankinedu Prasad Bahadur. |
| 4. " A. Ranganatha Mudaliyar. | 17. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 5. Sriman Biswanath Das Mahasayo. | 18. Rai Bahadur T. M. Narasimhaacharlu. |
| 6. Mr. A. Chidambaram Nadar. | 19. Sriman Sasibhushan Rath Mahasayo. |
| 7. " M. Gangaraju. | 20. Mr. Sami Venkatachalam Chetti. |
| 8. " K. Koti Reddi. | 21. " R. Srinivasa Ayyangar. |
| 9. " S. Muttayya Mudaliyar. | 22. " L. K. Tulasiram. |
| 10. " P. C. Venkatapati Raju. | 23. " K. Uppi Sahib. |
| 11. " S. Satyamurti. | 24. " C. V. Venkataramana Ayyangar. |
| 12. " T. Adinarayana Chettiyar. | 25. " J. Naganna Hegde. |
| 13. " P. Anjaneyulu. | |

Ayes 53. Noes 25.

The motion was carried.

26th August 1926]

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, I now 5 p.m. move my original proposition, namely—

'that the further consideration of this Bill be adjourned to Wednesday, the 1st of September.'

* Diwan Bahadur M. KRISHNAN NAYAR :—" I second the motion, Sir."

* Mr. R. SRINIVASA AYYANGAR :—" I rise to a point of order, Sir. An almost identical motion was moved by Mr. Sami Venkatachalam Chettiyaar and he wanted 15 days' time. The proper time to bring an amendment like this was that. He should have stated that he wanted to bring in an amendment that instead of the word 'fifteen' substitute 'five'. That stage has been passed and therefore it seems to me that it is not permissible for the hon. Member to bring in an amendment of this kind at this stage. The legitimate occasion for bringing such an amendment was when that motion was under discussion and my friend should have brought in his amendment to that motion and raised a debate thereon. This is not the proper time for it and I therefore submit with all respect, Sir, that this motion is legally inadmissible."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Sir, my answer is simple. I thought that the motion itself was at the time inopportune and I did not want to make further complications by bringing in another motion in the wrong place. I wanted that an amendment should be moved only at this stage. I would have moved it then; but I was under the impression that I could make it clear to you, Sir, that the proper stage at which an amendment or motion of this kind should be made was only after the House consented to consider the Bill itself. I therefore did not move the amendment at that time."

* Mr. R. SRINIVASA AYYANGAR :—" We have nothing to do with the impressions of the hon. Member here. We are governed by the Standing Orders and Rules of Debate."

The hon. the PRESIDENT :—" Any motion for the adjournment of any business can be made at any time in the course of the debate."

* Mr. J. A. SALDANHA :—" Sir, I oppose this motion; because I consider that the procedure under which we are acting at present is a farce and the sooner that farce is ended the better it is for all of us. If the Standing Orders admit of such farce being enacted, I hope we shall take the earliest occasion to amend the Standing Orders to the effect that no such farce should be repeated. Such a farce is, however, going on and I am anxious to see that that farce is ended as early as possible. Four or five days are not enough and that question has already been argued. We are all very busy at present. The Irrigation Bill is coming before the Council as also the Malabar Tenancy Bill; and we have got to prepare amendments in regard to those Bills. On Sunday and Monday I will be fully engaged and I propose to go to Bezvada to attend the inauguration of the Andhra University. Really, I do not wish to waste time but the Bill is an important one and if really we are going to pass the Bill, it is better that we ponder over it deeply and move the necessary amendments. In fact, there are many points in it which we shall have to consider. There is one point especially on which our position in India has to be made clear and that is the question of what is called in European politics as the separation of the Church and the State. That is a point

[Mr. J. A. Saldanha]

[26th August 1926]

which we shall have to very carefully study with regard to the Bill. I am not, however, going to discuss that point; but to understand a point like this in a Bill of paramount importance and to clear the way for that important distinction, it will take us several days of study. Therefore, Sir, as we have not been given sufficient time to consider the Bill and as the Standing Orders have been suspended—which is so much to the prejudice of the Bill—I would appeal to the House to have this farce ended to-day or to-morrow.”

* The hon. the RAJA OF PANAGAL :—“Sir, I have no objection to accept the motion proposed by Sir K. Venkatareddi Nayudu.”

Mr. A. RANGANATHA MUDALIYAR :—“Sir, evidently, opinion seems to vary as regards the date to which the discussion of this Bill should be adjourned. Some say it may be adjourned to the 1st, and some say to the 2nd”

The hon. the PRESIDENT :—“The motion is that the discussion of this Bill be adjourned to Wednesday the 1st of September.”

Mr. A. RANGANATHA MUDALIYAR :—“What I beg to submit to you, Sir, is that opinion varies on this point. I understand that the municipal elections are coming off shortly and obviously the adjournment of this debate to the 1st or 2nd September is likely to interfere with the elections. So, I suggest, Sir, that this discussion may be taken up to-morrow or on some day convenient to all people.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“Sir, His Excellency has allotted three non-official days during the sitting of the Council this time; and we have not been informed, Sir, what those days are. Previously we were made to understand that even the dates are fixed by His Excellency and it is not left to the Government to fix the dates for non-official business. We should first of all know if really it is the intention of the Government to treat to-morrow, the day after and Tuesday as non-official days. Sufficient time has not been given to the Council to consider this Bill. It is now 5 o'clock, Sir, and we would naturally have to adjourn with this motion. It is in the hands of the Government to adjust their work as they like. They could put off this business to Wednesday; but in order to make a show that they have given three or four days' time for the consideration of the Bill by the Council, they want to adjourn this debate and it comes as a bad grace. That is my point.”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Sir, there was a complaint that sufficient time has not been given for the consideration of the measure, and in reply it has been stated that this Bill might be taken up on the 1st. As the intervening three days might be taken up for non-official work, practically no time will be allowed for the study of this Bill by the Members. Sir, as stated by the hon. Member for Bellary, it seems in Madras things are a bit excited at the present moment and up to the 3rd, or the 4th of September, people will be busy with the elections to the Corporation. I think there ought to be some sort of grace allowed by the Government to the other side for the consideration stage. Under these circumstances, Sir, I would appeal to the hon. the Minister to consider whether he could not agree to the postponement of the further consideration of the Bill to the 6th September. In that view, Sir, I will move an amendment to the proposition moved by Sir K. Venkatareddi Nayudu that the further consideration of this Bill be adjourned to the 6th September.”

26th August 1926]

Dr. P. SUBBARAYAN :—“ I second it, Sir.”

Mr. A. RANGANATHA MUDALIYAR :—“ I am afraid, Mr. President, that it would be most inconvenient to have a longer adjournment at this stage than was first thought of. One of the reasons for adjournment to the 1st September is that anyhow the Council will have to be sitting throughout the intervening days. They are non-official days allotted by His Excellency; to-morrow, the day after and Tuesday will be taken up for non-official work. It will be practically impossible for the Members to go back and then to come again for another session. It practically amounts to this that the further consideration of this Bill will be postponed to the 6th September. The Irrigation Bill cannot possibly take more than a day, and there is no hope of the Council lasting up to the 6th of September. I think we must come to consider this matter on the 1st. Sir, at this time of the year it will be most inconvenient to break up now and again to meet on the 6th. It will practically be denying to many of us the privilege of taking part in the discussion of this measure. Therefore, Sir, I would earnestly appeal to my hon. friend not to press his motion, but to accept the suggestion that the Bill may be taken up on the 1st September. They have given us sufficient time to consider the amendments and also engaged us during the interval with the other work, the agenda for which is ready for disposal.”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, if the Government are not prepared to give more time, I do not want to press my motion. I only thought, seeing the opinion on either side of the House, that it would be better to arrange for some date suitable to all. I do not want to press my motion.”

The motion was by leave of the House withdrawn.

The motion that “ the further consideration of this Bill be postponed to the 1st September ” was put to the House and carried.

IV

DISCUSSION REGARDING BUSINESS BEFORE THE HOUSE

The hon. the PRESIDENT :—“ I think the House would like to know from the Leader of the House what would be the nature of the business during the intervening period.”

* The hon. Mr. N. E. MARJORIBANKS :—“ Sir, three days have been allotted for non-official business by His Excellency and His Excellency's intention was that it should be left to the President of the House to decide which days would be most convenient for the purpose. That is why His Excellency did not specify the dates. If the House thinks generally that to-morrow, Saturday and Tuesday—because I believe Monday is a public holiday and I also understand that many Members of this House wish to attend the inauguration of the Andhra University at Bezwada—are convenient, those days may be taken as non-official days, if it suits the House.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ What about the Irrigation Bill, Sir? There are some rumours that the Bill will be adjourned for the present.”

* The hon. Mr. N. E. MARJORIBANKS :—“ When it comes up, we shall say that.”